

63J-1-101. Title.

- (1) This title is known as "Budgeting."
- (2) This chapter is known as the "Budgetary Procedures Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63J-1-102. Definitions.

- (1) "Dedicated credits" means collections by an agency that are deposited directly into an account for expenditure on a separate line item and program.
- (2) "Federal revenues" means collections by an agency from a federal source that are deposited into an account for expenditure on a separate line item and program.
- (3) "Fixed collections" means collections that are:
 - (a) fixed at a specific amount by law or by an appropriation act; and
 - (b) required to be deposited into a separate line item and program.
- (4) "Free revenue" includes:
 - (a) collections that are required by law to be deposited in:
 - (i) the General Fund;
 - (ii) the Education Fund;
 - (iii) the Uniform School Fund; or
 - (iv) the Transportation Fund;
 - (b) collections that are not otherwise designated by law;
 - (c) collections that are not externally restricted; and
 - (d) collections that are not included in an approved work program.
- (5) "Major revenue types" means:
 - (a) free revenue;
 - (b) restricted revenue;
 - (c) dedicated credits; and
 - (d) fixed collections.
- (6) "Restricted revenue" means collections that are:
 - (a) deposited, by law, into a separate fund, subfund, or account; and
 - (b) designated for a specific program or purpose.

Enacted by Chapter 183, 2009 General Session

Enacted by Chapter 368, 2009 General Session

63J-1-103. Agency exempt from act.

The Utah Housing Corporation is exempt from this act.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-1-104. Revenue types -- Disposition of funds collected or credited by a state agency.

- (1) (a) The Division of Finance shall:
 - (i) account for revenues in accordance with generally accepted accounting principles; and

- (ii) use the major revenue types in internal accounting.
- (b) Each agency shall:
 - (i) use the major revenue types to account for revenues;
 - (ii) deposit revenues and other public funds received by them by following the procedures and requirements of Title 51, Chapter 7, State Money Management Act; and
 - (iii) expend revenues and public funds as required by this chapter.
- (2) (a) Each agency shall deposit its free revenues into the appropriate fund.
- (b) An agency may expend free revenues up to the amount specifically appropriated by the Legislature.
- (c) Any free revenue funds appropriated by the Legislature to an agency that remain unexpended at the end of the fiscal year lapse to the source fund unless the Legislature provides by law that those funds are nonlapsing.
- (3) (a) Each agency shall deposit its restricted revenues into the applicable restricted account or fund.
- (b) Revenues in a restricted account or fund do not lapse to another account or fund unless otherwise specifically provided for by law or legislative appropriation.
- (c) The Legislature may appropriate restricted revenues from a restricted account or fund for the specific purpose or program designated by law.
- (d) If the fund equity of a restricted account or fund is insufficient to provide the accounts appropriated from it by the Legislature, the Division of Finance may reduce the appropriation to a level that ensures that the fund equity is not less than zero.
- (e) Any restricted revenues appropriated by the Legislature to an agency that remain unexpended at the end of the fiscal year lapse to the applicable restricted account or fund unless the Legislature provides by law that those appropriations, or the program or line item financed by those appropriations, are nonlapsing.
- (4) (a) An agency may expend dedicated credits for any purpose within the program or line item.
- (b) (i) Except as provided in Subsection (4)(b)(ii), an agency may not expend dedicated credits in excess of the amount appropriated as dedicated credits by the Legislature.
- (ii) In order to expend dedicated credits in excess of the amount appropriated as dedicated credits by the Legislature, the following procedure shall be followed:
 - (A) The agency seeking to make the excess expenditure shall:
 - (I) develop a new work program that:
 - (Aa) consists of the currently approved work program and the excess expenditure sought to be made; and
 - (Bb) complies with the requirements of Section 63J-2-202;
 - (II) prepare a written justification for the new work program that sets forth the purpose and necessity of the excess expenditure; and
 - (III) submit the new work program and the written justification for the new work program to the Division of Finance.
 - (B) The Division of Finance shall process the new work program with written justification and make this information available to the Governor's Office of Management and Budget and the legislative fiscal analyst.

(iii) An expenditure of dedicated credits in excess of amounts appropriated as dedicated credits by the Legislature may not be used to permanently increase personnel within the agency unless:

(A) the increase is approved by the Legislature; or

(B) the money is deposited as a dedicated credit in a line item covering tuition or federal vocational funds at an institution of higher education.

(c) (i) All excess dedicated credits lapse to the appropriate fund at the end of the fiscal year unless the Legislature has designated the entire program or line item that is partially or fully funded from dedicated credits as nonlapsing.

(ii) The Division of Finance shall determine the appropriate fund into which the dedicated credits lapse.

(5) (a) The Legislature may establish by law the maximum amount of fixed collections that an agency may expend.

(b) If an agency receives less than the maximum amount of expendable fixed collections established by law, the agency's authority to expend is limited to the amount of fixed collections that it receives.

(c) If an agency receives fixed collections greater than the maximum amount of expendable fixed collections established by law, those excess amounts lapse to the General Fund, the Education Fund, the Transportation Fund, or the Transportation Investment Fund of 2005 as designated by the director of the Division of Finance at the end of the fiscal year.

(6) Unless otherwise specifically provided by law, when an agency has a program or line item that is funded by more than one major revenue type:

(a) the agency shall expend its dedicated credits and fixed collections first; and

(b) if the program or line item includes both free revenue and restricted revenue, an agency shall expend those revenues based upon a proration of the amounts appropriated from each of those major revenue types.

Amended by Chapter 310, 2013 General Session

63J-1-201. Governor's proposed budget to Legislature -- Contents -- Preparation -- Appropriations based on current tax laws and not to exceed estimated revenues.

(1) The governor shall deliver, not later than 30 days before the date the Legislature convenes in the annual general session, a confidential draft copy of the governor's proposed budget recommendations to the Office of the Legislative Fiscal Analyst according to the requirements of this section.

(2) (a) When submitting a proposed budget, the governor shall, within the first three days of the annual general session of the Legislature, submit to the presiding officer of each house of the Legislature:

(i) a proposed budget for the ensuing fiscal year;

(ii) a schedule for all of the proposed changes to appropriations in the proposed budget, with each change clearly itemized and classified; and

(iii) as applicable, a document showing proposed changes in estimated revenues that are based on changes in state tax laws or rates.

- (b) The proposed budget shall include:
 - (i) a projection of:
 - (A) estimated revenues by major tax type;
 - (B) 15-year trends for each major tax type;
 - (C) estimated receipts of federal funds; and
 - (D) appropriations for the next fiscal year;
 - (ii) the source of changes to all direct, indirect, and in-kind matching funds for all federal grants or assistance programs included in the budget;
 - (iii) a plan of proposed changes to appropriations and estimated revenues for the next fiscal year that is based upon the current fiscal year state tax laws and rates and considers projected changes in federal grants or assistance programs included in the budget;
 - (iv) an itemized estimate of the proposed changes to appropriations for:
 - (A) the Legislative Department as certified to the governor by the president of the Senate and the speaker of the House;
 - (B) the Executive Department;
 - (C) the Judicial Department as certified to the governor by the state court administrator;
 - (D) changes to salaries payable by the state under the Utah Constitution or under law for lease agreements planned for the next fiscal year; and
 - (E) all other changes to ongoing or one-time appropriations, including dedicated credits, restricted funds, nonlapsing balances, grants, and federal funds;
 - (v) for each line item, the average annual dollar amount of staff funding associated with all positions that were vacant during the last fiscal year;
 - (vi) deficits or anticipated deficits;
 - (vii) the recommendations for each state agency for new full-time employees for the next fiscal year, which shall also be provided to the State Building Board as required by Subsection 63A-5-103(2);
 - (viii) any explanation that the governor may desire to make as to the important features of the budget and any suggestion as to methods for the reduction of expenditures or increase of the state's revenue; and
 - (ix) information detailing certain fee increases as required by Section 63J-1-504.
- (3) For the purpose of preparing and reporting the proposed budget:
 - (a) The governor shall require the proper state officials, including all public and higher education officials, all heads of executive and administrative departments and state institutions, bureaus, boards, commissions, and agencies expending or supervising the expenditure of the state money, and all institutions applying for state money and appropriations, to provide itemized estimates of changes in revenues and appropriations.
 - (b) The governor may require the persons and entities subject to Subsection (3)(a) to provide other information under these guidelines and at times as the governor may direct, which may include a requirement for program productivity and performance measures, where appropriate, with emphasis on outcome indicators.
 - (c) The governor may require representatives of public and higher education, state departments and institutions, and other institutions or individuals applying for

state appropriations to attend budget meetings.

(4) (a) The Governor's Office of Management and Budget shall provide to the Office of Legislative Fiscal Analyst, as soon as practicable, but no later than November 15 of each year, data, analysis, or requests used in preparing the governor's budget recommendations, notwithstanding the restrictions imposed on such recommendations by available revenue.

(b) The information under Subsection (4)(a) shall include:

(i) actual revenues and expenditures for the fiscal year ending the previous June 30;

(ii) estimated or authorized revenues and expenditures for the current fiscal year;

(iii) requested revenues and expenditures for the next fiscal year;

(iv) detailed explanations of any differences between the amounts appropriated by the Legislature in the current fiscal year and the amounts reported under Subsections (4)(b)(ii) and (iii);

(v) a statement of agency and program objectives, effectiveness measures, and program size indicators; and

(vi) other budgetary information required by the Legislature in statute.

(c) The budget information under Subsection (4)(a) shall cover:

(i) all items of appropriation, funds, and accounts included in appropriations acts for the current and previous fiscal years; and

(ii) any new appropriation, fund, or account items requested for the next fiscal year.

(d) The information provided under Subsection (4)(a) may be provided as a shared record under Section 63G-2-206 as considered necessary by the Governor's Office of Management and Budget.

(5) (a) In submitting the budget for the Department of Public Safety, the governor shall include a separate recommendation in the governor's budget for maintaining a sufficient number of alcohol-related law enforcement officers to maintain the enforcement ratio equal to or below the number specified in Subsection 32B-1-201(2).

(b) If the governor does not include in the governor's budget an amount sufficient to maintain the number of alcohol-related law enforcement officers described in Subsection (5)(a), the governor shall include a message to the Legislature regarding the governor's reason for not including that amount.

(6) (a) The governor may revise all estimates, except those relating to the Legislative Department, the Judicial Department, and those providing for the payment of principal and interest to the state debt and for the salaries and expenditures specified by the Utah Constitution or under the laws of the state.

(b) The estimate for the Judicial Department, as certified by the state court administrator, shall also be included in the budget without revision, but the governor may make separate recommendations on the estimate.

(7) The total appropriations requested for expenditures authorized by the budget may not exceed the estimated revenues from taxes, fees, and all other sources for the next ensuing fiscal year.

(8) If any item of the budget as enacted is held invalid upon any ground, the invalidity does not affect the budget itself or any other item in it.

Amended by Chapter 320, 2014 General Session

Amended by Chapter 344, 2014 General Session

Amended by Chapter 430, 2014 General Session

63J-1-201.5. Financial statement to be submitted annually.

The governor shall submit an audited financial statement no later than December 1 of each year that shows:

- (1) the revenues and expenditures for the last fiscal year;
- (2) payment and discharge of the principal and interest of the indebtedness of the state;
- (3) the current assets, liabilities, and reserves, surplus or deficit, and the debts and funds of the state;
- (4) an estimate of the state's financial condition as of the beginning and the end of the period covered by the budget; and
- (5) a complete analysis of lease with an option to purchase arrangements entered into by state agencies.

Enacted by Chapter 378, 2011 General Session

63J-1-205. Revenue volatility report.

(1) Beginning in 2011 and continuing every three years after 2011, the Legislative Fiscal Analyst and the Governor's Office of Management and Budget shall submit a joint revenue volatility report to the Executive Appropriations Committee prior to the committee's December meeting.

(2) The Legislative Fiscal Analyst and the Governor's Office of Management and Budget shall ensure that the report:

- (a) discusses the tax base and the tax revenue volatility of the revenue streams that provide the source of funding for the state budget;
- (b) considers federal funding included in the state budget and any projected changes in the amount or value of federal funding;
- (c) identifies the balances in the General Fund Budget Reserve Account and the Education Fund Budget Reserve Account;
- (d) analyzes the adequacy of the balances in the General Fund Budget Reserve Account and the Education Fund Budget Reserve Account in relation to the volatility of the revenue streams and the risk of a reduction in the amount or value of federal funding;
- (e) recommends changes to the deposit amounts or transfer limits established in Sections 63J-1-312 and 63J-1-313, if the Legislative Fiscal Analyst and Governor's Office of Management and Budget consider it appropriate to recommend changes; and
- (f) presents options for a deposit mechanism linked to one or more tax sources on the basis of each tax source's observed volatility, including:
 - (i) an analysis of how the options would have performed historically within the

state;

- (ii) an analysis of how the options will perform based on the most recent revenue forecast; and
- (iii) recommendations for deposit mechanisms considered likely to meet the budget reserve account targets established in Sections 63J-1-312 and 63J-1-313.

Amended by Chapter 430, 2014 General Session

63J-1-206. Appropriations governed by chapter -- Restrictions on expenditures -- Transfer of funds -- Exclusion.

(1) As used in this section, "work program" means a budget that contains revenues and expenditures for specific purposes or functions within an item of appropriation.

(2) (a) Except as provided in Subsection (2)(b), (3)(e), or where expressly exempted in the appropriating act:

(i) all money appropriated by the Legislature is appropriated upon the terms and conditions set forth in this chapter; and

(ii) any department, agency, or institution that accepts money appropriated by the Legislature does so subject to the requirements of this chapter.

(b) This section does not apply to:

- (i) the Legislature and its committees; and
- (ii) the Investigation Account of the Water Resources Construction Fund, which is governed by Section 73-10-8.

(3) (a) Each appropriation item is to be expended subject to any schedule of programs and any restriction attached to the appropriation item, as designated by the Legislature.

(b) Each schedule of programs or restriction attached to an appropriation item:

(i) is a restriction or limitation upon the expenditure of the respective appropriation made;

(ii) does not itself appropriate any money; and

(iii) is not itself an item of appropriation.

(c) An appropriation or any surplus of any appropriation may not be diverted from any department, agency, institution, or division to any other department, agency, institution, or division.

(d) The money appropriated subject to a schedule or programs or restriction may be used only for the purposes authorized.

(e) In order for a department, agency, or institution to transfer money appropriated to it from one program to another program within an item of appropriation, the following procedure shall be followed:

(i) The department, agency, or institution seeking to make the transfer shall prepare:

(A) a new work program for the fiscal year involved that consists of the currently approved work program and the transfer sought to be made; and

(B) a written justification for the new work program that sets forth the purpose and necessity for the transfer.

(ii) The Division of Finance shall process the new work program with written justification and make this information available to the Governor's Office of Management and Budget and the legislative fiscal analyst.

(f) (i) Except as provided in Subsection (3)(f)(ii), money may not be transferred from one item of appropriation to any other item of appropriation.

(ii) The state superintendent may transfer money appropriated for the Minimum School Program between line items of appropriation in accordance with Section 53A-17a-105.

(g) (i) The procedures for transferring money between programs within an item of appropriation as provided by Subsection (3)(e) do not apply to money appropriated to the State Board of Education for the Minimum School Program or capital outlay programs created in Title 53A, Chapter 21, Public Education Capital Outlay Act.

(ii) The state superintendent may transfer money appropriated for the programs specified in Subsection (3)(g)(i) only as provided by Section 53A-17a-105.

Amended by Chapter 189, 2014 General Session

63J-1-207. Uniform School Fund -- Appropriations.

(1) Appropriations made from the General Fund to the Uniform School Fund to assist in financing the state's portion of the minimum school program, as provided by law, shall be conditioned upon available revenue.

(2) If revenues to the General Fund are not sufficient to permit transfers to the Uniform School Fund as provided by appropriation, the state fiscal officers shall withhold transfers from the General Fund to the Uniform School Fund during the fiscal period, as in their judgment the available revenues justify until:

(a) all other appropriations made by law have been provided for;

(b) any modifications to department and agency work programs have been made; and

(c) the governor has approved the transfer.

(3) Transfers from the General Fund to the Uniform School Fund shall be made at such times as required to equalize the property levy for each fiscal year.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-208. Conditions on appropriations binding.

A condition that is attached to an item of appropriation that is not inconsistent with law is binding upon the recipient of the appropriation.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-209. Director of finance to exercise accounting control -- Work programs -- Allotments and expenditures.

(1) The director of finance shall exercise accounting control over all state departments, institutions, and agencies other than the Legislature and legislative committees.

(2) (a) The director shall require the head of each department to submit, by May 15 of each year, a work program for the next fiscal year.

(b) The director may require any department to submit a work program for any other period.

(3) The work program shall include appropriations and all other funds from any source made available to the department for its operation and maintenance for the period and program authorized by the appropriation act.

(4) Subject to the requirements of Subsection 63J-1-206(3)(e), the Division of Finance shall, upon request from the governor, revise, alter, decrease, or change work programs.

(5) Notwithstanding the requirements of Title 63J, Chapter 2, Revenue Procedures and Control Act, the aggregate of the work program changes may not exceed the total appropriations or other funds from any source that are available to the department line item for the fiscal year in question.

(6) The Division of Finance shall transmit a copy of the changes, when approved by the governor, to:

(a) the head of the department concerned; and

(b) the legislative analyst.

(7) Upon request, review, and approval by the governor, the Division of Finance shall permit all expenditures to be made from the appropriations or other funds from any source on the basis of those work programs.

(8) The Division of Finance shall, through statistical sampling methods or other means, audit all claims against the state for which an appropriation has been made.

Renumbered and Amended by Chapter 183, 2009 General Session

Renumbered and Amended by Chapter 368, 2009 General Session

63J-1-210. Restrictions on agency expenditures of money -- Lobbyists.

(1) As used in this section:

(a) (i) "Agency" means:

(A) a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state; or

(B) a school, a school district, or a charter school.

(ii) "Agency" includes the legislative branch, the judicial branch, the Board of Regents, the board of trustees of each higher education institution, or a higher education institution.

(b) "Contract lobbyist" means a person who is not an employee of an agency who is hired as an independent contractor by the agency to communicate with legislators or the governor for the purpose of influencing the passage, defeat, amendment, or postponement of a legislative action or an executive action.

(c) "Executive action" means action undertaken by the governor, including signing or vetoing legislation, and action undertaken by any official in the executive branch of state government.

(d) "Legislative action" means action undertaken by the Utah Legislature or any

part of it.

(2) An agency to which money is appropriated by the Legislature may not expend any money to pay a contract lobbyist.

(3) This section does not affect the provisions of Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act.

Amended by Chapter 323, 2011 General Session

Amended by Chapter 342, 2011 General Session

63J-1-211. Appropriating from restricted accounts.

(1) As used in this section, "operating deficit" means that estimated General Fund or Uniform School Fund revenues are less than budgeted for the current or next fiscal year.

(2) Notwithstanding any other statute that limits the Legislature's power to appropriate from a restricted account, if the Legislature determines that an operating deficit exists, unless prohibited by federal law or court order, the Legislature may, in eliminating the deficit, appropriate money from a restricted account into the General Fund.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-212. Duplicate payment of claims prohibited.

No claim against the state, the payment of which is provided for, shall be duplicated, and the amount of any appropriation for the payment of any such claim shall be withheld if it is covered by any other appropriation.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-213. Appropriations from special funds or accounts -- Transfer by proper official only.

Whenever appropriations are made from special funds, or a fund account, the transfer of money from those funds, or accounts, to the General Fund or any other fund for budgetary purposes shall be made by the proper state fiscal officer.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-214. Warrants -- Not to be drawn until claim processed -- Redemption.

(1) No warrant to cover any claim against any appropriation or fund shall be drawn until such claim has been processed as provided by law.

(2) The state treasurer shall return all redeemed warrants to the state fiscal officer for purposes of reconciliation, post-audit and verification of the state treasurer's fund balances.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-215. Cash funds -- Application for account -- Preference for purchasing card accounts -- Cash advances -- Revolving fund established by law excepted -- Elimination of cash funds.

(1) Before any new petty cash funds may be established, the commission, department, or agency requesting the fund or funds shall apply in writing to the Division of Finance and provide:

- (a) the reasons why the cash fund is needed;
- (b) the amount requested; and
- (c) the reasons why a purchasing card account is not sufficient to meet the needs of the commission, department, or agency.

(2) (a) The Division of Finance shall review the application and make a determination that:

- (i) no cash fund or purchasing card account should be established;
- (ii) a purchasing card account should be established; or
- (iii) a cash fund should be established using money in the state treasury.

(b) When making a determination under Subsection (2)(a), the Division of Finance shall recommend a purchasing card account in lieu of a cash fund unless there is significant evidence that a purchasing account is not sufficient to meet the needs of the commission, department, or agency.

(3) Revolving funds established by law are not subject to the provisions of this section.

(4) The Division of Finance is authorized to review and close cash funds if the division determines that a purchasing card account will adequately meet the needs of the commission, department, or agency.

Renumbered and Amended by Chapter 183, 2009 General Session
Renumbered and Amended by Chapter 368, 2009 General Session

63J-1-216. Allotment of funds to higher education.

(1) The state fiscal officer may permit advances to be made from allotments to state institutions of higher education in sufficient amounts to provide necessary working bank balances to facilitate an orderly management of institutional affairs.

(2) State institutions of higher education shall make reports, as required by the state fiscal officer, for the expenditure of funds included in any advances.

Enacted by Chapter 183, 2009 General Session

63J-1-217. Overexpenditure of budget by agency -- Prorating budget income shortfall.

(1) Expenditures of departments, agencies, and institutions of state government shall be kept within revenues available for such expenditures.

(2) (a) Line items of appropriation shall not be overexpended.

(b) Notwithstanding Subsection (2)(a), if an agency's line item is overexpended at the close of a fiscal year:

- (i) the director of the Division of Finance may make payments from the line item

to vendors for goods or services that were received on or before June 30; and
(ii) the director of the Division of Finance shall immediately reduce the agency's line item budget in the current year by the amount of the overexpenditure.

(c) Each agency with an overexpended line item shall:

(i) prepare a written report explaining the reasons for the overexpenditure; and

(ii) present the report to:

(A) the Board of Examiners as required by Section 63G-9-301; and

(B) the Office of the Legislative Fiscal Analyst.

(3) (a) As used in this Subsection (3):

(i) "Education Fund budget deficit" has the same meaning as in Section 63J-1-312; and

(ii) "General Fund budget deficit" has the same meaning as in Section 63J-1-312.

(b) If an Education Fund budget deficit or a General Fund budget deficit exists and the adopted estimated revenues were prepared in consensus with the Governor's Office of Management and Budget, the governor shall:

(i) direct state agencies to reduce commitments and expenditures by an amount proportionate to the amount of the deficiency; and

(ii) direct the Division of Finance to reduce allotments to institutions of higher education by an amount proportionate to the amount of the deficiency.

(c) The governor's directions under Subsection (3)(b) are rescinded when the Legislature rectifies the Education Fund budget deficit and the General Fund budget deficit.

(4) (a) A department may not receive an advance of funds that cannot be covered by anticipated revenue within the work program of the fiscal year, unless the governor allocates money from the governor's emergency appropriations.

(b) All allocations made from the governor's emergency appropriations shall be reported to the budget subcommittee of the Legislative Management Committee by notifying the Office of the Legislative Fiscal Analyst at least 15 days before the effective date of the allocation.

(c) Emergency appropriations shall be allocated only to support activities having existing legislative approval and appropriation, and may not be allocated to any activity or function rejected directly or indirectly by the Legislature.

Amended by Chapter 310, 2013 General Session

63J-1-218. Reduction in federal funds -- Agencies to reduce budgets.

(1) In any fiscal year in which federal grants to be received by state agencies, departments, divisions, or institutions are reduced below the level estimated in the appropriations acts for that year, the programs supported by those grants must be reduced commensurate with the amount of the federal reduction unless the Legislature appropriates state funds to offset the loss in federal funding.

(2) This program modification shall be reported to the Legislature through the Executive Appropriations Committee and the Office of the Legislative Fiscal Analyst.

Amended by Chapter 1, 2013 Special Session 2
Amended by Chapter 2, 2013 Special Session 2

63J-1-219. Definitions -- Federal receipts reporting requirements.

(1) As used in this section:

(a) (i) "Designated state agency" means the Department of Administrative Services, the Department of Agriculture and Food, the Department of Alcoholic Beverage Control, the Department of Commerce, the Department of Heritage and Arts, the Department of Corrections, the Department of Environmental Quality, the Department of Financial Institutions, the Department of Health, the Department of Human Resource Management, the Department of Human Services, the Department of Insurance, the Department of Natural Resources, the Department of Public Safety, the Department of Technology Services, the Department of Transportation, the Department of Veterans' and Military Affairs, the Department of Workforce Services, the Labor Commission, the Office of Economic Development, the Public Service Commission, the State Board of Regents, the State Office of Education, the State Tax Commission, or the Utah National Guard.

(ii) "Designated state agency" does not include the judicial branch, the legislative branch, or an office or other entity within the judicial branch or the legislative branch.

(b) "Federal receipts" means the federal financial assistance, as defined in 31 U.S.C. Sec. 7501, that is reported as part of a single audit.

(c) "Single audit" is as defined in 31 U.S.C. Sec. 7501.

(2) Subject to Subsections (3) and (4), a designated state agency shall each year, on or before October 31, prepare a report that:

(a) reports the aggregate value of federal receipts the designated state agency received for the preceding fiscal year;

(b) reports the aggregate amount of federal funds appropriated by the Legislature to the designated state agency for the preceding fiscal year;

(c) calculates the percentage of the designated state agency's total budget for the preceding fiscal year that constitutes federal receipts that the designated state agency received for that fiscal year; and

(d) develops plans for operating the designated state agency if there is a reduction of:

(i) 5% or more in the federal receipts that the designated state agency receives; and

(ii) 25% or more in the federal receipts that the designated state agency receives.

(3) (a) The report required by Subsection (2) that the Board of Regents prepares shall include the information required by Subsections (2)(a) through (c) for each state institution of higher education listed in Section 53B-2-101.

(b) The report required by Subsection (2) that the State Office of Education prepares shall include the information required by Subsections (2)(a) through (c) for each school district and each charter school within the public education system.

(4) A designated state agency that prepares a report in accordance with

Subsection (2) shall submit the report to the Division of Finance on or before November 1 of each year.

(5) (a) The Division of Finance shall, on or before November 30 of each year, prepare a report that:

(i) compiles and summarizes the reports the Division of Finance receives in accordance with Subsection (4); and

(ii) compares the aggregate value of federal receipts each designated state agency received for the previous fiscal year to the aggregate amount of federal funds appropriated by the Legislature to that designated state agency for that fiscal year.

(b) The Division of Finance shall, as part of the report required by Subsection (5)(a), compile a list of designated state agencies that do not submit a report as required by this section.

(6) The Division of Finance shall submit the report required by Subsection (5) to the Executive Appropriations Committee on or before December 1 of each year.

(7) Upon receipt of the report required by Subsection (5), the chairs of the Executive Appropriations Committee shall place the report on the agenda for review and consideration at the next Executive Appropriations Committee meeting.

(8) When considering the report required by Subsection (5), the Executive Appropriations Committee may elect to:

(a) recommend that the Legislature reduce or eliminate appropriations for a designated state agency;

(b) take no action; or

(c) take another action that a majority of the committee approves.

Amended by Chapter 214, 2013 General Session

63J-1-312. Establishing a General Fund Budget Reserve Account -- Providing for deposits and expenditures from the account -- Providing for interest generated by the account.

(1) As used in this section:

(a) "Education Fund budget deficit" means a situation where appropriations made by the Legislature from the Education Fund for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the Education Fund in that fiscal year.

(b) "General Fund appropriations" means the sum of the spending authority for a fiscal year that is:

(i) granted by the Legislature in all appropriation acts and bills; and

(ii) identified as coming from the General Fund.

(c) "General Fund budget deficit" means a situation where General Fund appropriations made by the Legislature for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the General Fund in that fiscal year.

(d) "General Fund revenue surplus" means a situation where actual General Fund revenues collected in a completed fiscal year exceed the estimated revenues for the General Fund for that fiscal year that were adopted by the Executive Appropriations

Committee of the Legislature.

(e) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.

(2) There is created within the General Fund a restricted account to be known as the General Fund Budget Reserve Account, which is designated to receive the legislative appropriations and the surplus revenue required to be deposited into the account by this section.

(3) (a) (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in conjunction with the completion of the annual audit by the state auditor, determines that there is a General Fund revenue surplus, the Division of Finance shall transfer 25% of the General Fund revenue surplus to the General Fund Budget Reserve Account.

(ii) If the transfer of 25% of the General Fund revenue surplus to the General Fund Budget Reserve Account would cause the balance in the account to exceed 8% of General Fund appropriations for the fiscal year in which the revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to ensure that the balance in the account equals 8% of General Fund appropriations for the fiscal year in which the General Fund revenue surplus occurred.

(iii) The Division of Finance shall calculate the amount to be transferred under this Subsection (3)(a):

(A) after making the transfer of General Fund revenue surplus to the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315;

(B) before transferring from the General Fund revenue surplus any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law; and

(C) excluding any direct legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.

(b) (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if a General Fund revenue surplus exists and if, within the last 10 years, the Legislature has appropriated any money from the General Fund Budget Reserve Account that has not been replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall transfer up to 25% more of the General Fund revenue surplus to the General Fund Budget Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if any, and transfers from the General Fund revenue surplus under this Subsection (3)(b) have replaced the appropriations from the account.

(ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to exceed 8% of General Fund appropriations for the fiscal year in which the revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to ensure that the balance in the account equals 8% of General Fund appropriations for the fiscal year in which the revenue surplus occurred.

(iii) The Division of Finance shall calculate the amount to be transferred under this Subsection (3)(b):

(A) after making the transfer of General Fund revenue surplus to the Medicaid

Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315;

(B) before transferring from the General Fund revenue surplus any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law; and

(C) excluding any direct legislative appropriation made to the General Fund Budget Reserve Account for the fiscal year.

(c) For appropriations made by the Legislature to the General Fund Budget Reserve Account, the Division of Finance shall treat those appropriations, unless otherwise specified in the appropriation, as replacement funds for appropriations made from the account if funds were appropriated from the General Fund Budget Reserve Account within the past 10 years and have not yet been replaced.

(4) The Legislature may appropriate money from the General Fund Budget Reserve Account only to:

(a) resolve a General Fund budget deficit, for the fiscal year in which the General Fund budget deficit occurs;

(b) pay some or all of state settlement agreements approved under Title 63G, Chapter 10, State Settlement Agreements Act;

(c) pay retroactive tax refunds; or

(d) resolve an Education Fund budget deficit.

(5) Interest generated from investments of money in the General Fund Budget Reserve Account shall be deposited into the General Fund.

Amended by Chapter 141, 2012 General Session

63J-1-313. Establishing an Education Budget Reserve Account -- Providing for deposits and expenditures from the account -- Providing for interest generated by the account.

(1) As used in this section:

(a) "Education Fund appropriations" means the sum of the spending authority for a fiscal year that is:

(i) granted by the Legislature in all appropriation acts and bills; and

(ii) identified as coming from the Education Fund.

(b) "Education Fund budget deficit" means a situation where appropriations made by the Legislature from the Education Fund for a fiscal year exceed the estimated revenues adopted by the Executive Appropriations Committee of the Legislature for the Education Fund in that fiscal year.

(c) "Education Fund revenue surplus" means a situation where actual Education Fund revenues collected in a completed fiscal year exceed the estimated revenues for the Education Fund in that fiscal year that were adopted by the Executive Appropriations Committee of the Legislature.

(d) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the Education Fund is less than zero.

(2) There is created within the Education Fund a restricted account to be known as the Education Fund Budget Reserve Account, which is designated to receive the legislative appropriations and the surplus revenue required to be deposited into the

account by this section.

(3) (a) (i) Except as provided in Subsection (3)(a)(ii), at the end of any fiscal year in which the Division of Finance, in consultation with the Legislative Fiscal Analyst and in conjunction with the completion of the annual audit by the state auditor, determines that there is an Education Fund revenue surplus, the Division of Finance shall transfer 25% of the Education Fund revenue surplus to the Education Fund Budget Reserve Account.

(ii) If the transfer of 25% of the Education Fund revenue surplus to the Education Fund Budget Reserve Account under Subsection (3)(a)(i) would cause the balance in the account to exceed 9% of Education Fund appropriations for the fiscal year in which the Education Fund revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to ensure that the balance in the account equals 9% of the Education Fund appropriations for the fiscal year in which the Education Fund revenue surplus occurred.

(iii) The Division of Finance shall calculate the amount to be transferred under this Subsection (3)(a):

(A) before transferring from the Education Fund revenue surplus any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law; and

(B) excluding any direct legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal year.

(b) (i) Except as provided in Subsection (3)(b)(ii), in addition to Subsection (3)(a)(i), if an Education Fund revenue surplus exists and if, within the last 10 years, the Legislature has appropriated any money from the Education Fund Budget Reserve Account that has not been replaced by appropriation or as provided in this Subsection (3)(b), the Division of Finance shall transfer up to 25% more of the Education Fund revenue surplus to the Education Fund Budget Reserve Account to replace the amounts appropriated, until direct legislative appropriations, if any, and transfers from the Education Fund revenue surplus under this Subsection (3)(b) have replaced the appropriations from the account.

(ii) If the transfer under Subsection (3)(b)(i) would cause the balance in the account to exceed 9% of Education Fund appropriations for the fiscal year in which the Education Fund revenue surplus occurred, the Division of Finance shall transfer only those funds necessary to ensure that the balance in the account equals 9% of Education Fund appropriations for the fiscal year in which the revenue surplus occurred.

(iii) The Division of Finance shall calculate the amount to be transferred under this Subsection (3)(b):

(A) before transferring from the Education Fund revenue surplus any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law; and

(B) excluding any direct legislative appropriation made to the Education Fund Budget Reserve Account for the fiscal year.

(c) For appropriations made by the Legislature to the Education Fund Budget Reserve Account, the Division of Finance shall treat those appropriations, unless

specified otherwise in the appropriation, as replacement funds for appropriations made from the account if funds were appropriated from the account within the past 10 years and have not yet been replaced.

(4) Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance determines that an operating deficit exists, the Division of Finance may reduce the transfer to the Education Fund Budget Reserve Account by the amount necessary to eliminate the operating deficit.

(5) The Legislature may appropriate money from the Education Fund Budget Reserve Account only to resolve an Education Fund budget deficit.

(6) Interest generated from investments of money in the Education Fund Budget Reserve Account shall be deposited into the Education Fund.

Amended by Chapter 141, 2012 General Session

63J-1-314. Deposits related to the Disaster Recovery Funding Act.

(1) As used in this section, "operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.

(2) Except as provided under Subsection (3), at the end of each fiscal year, the Division of Finance shall, after the transfer of General Fund revenue surplus has been made to the Medicaid Growth Reduction and Budget Stabilization Account, as provided in Section 63J-1-315, and the General Fund Budget Reserve Account, as provided in Section 63J-1-312, transfer an amount into the State Disaster Recovery Restricted Account, created in Section 53-2a-603, from the General Fund revenue surplus as defined in Section 63J-1-312, calculated by:

(a) determining the amount of General Fund revenue surplus after the transfer to the Medicaid Growth Reduction and Budget Stabilization Account under Section 63J-1-315 and the General Fund Budget Reserve Account under Section 63J-1-312;

(b) calculating an amount equal to the lesser of:

(i) 25% of the amount determined under Subsection (2)(a); or

(ii) 6% of the total of the General Fund appropriation amount for the fiscal year in which the surplus occurs; and

(c) adding to the amount calculated under Subsection (2)(b) an amount equal to the lesser of:

(i) 25% more of the amount described in Subsection (2)(a); or

(ii) the amount necessary to replace, in accordance with this Subsection (2)(c), any amount appropriated from the State Disaster Recovery Restricted Account within 10 fiscal years before the fiscal year in which the surplus occurs if:

(A) a surplus exists; and

(B) the Legislature appropriates money from the State Disaster Recovery Restricted Account that is not replaced by appropriation or as provided in this Subsection (2)(c).

(3) Notwithstanding Subsection (2), if, at the end of a fiscal year, the Division of Finance determines that an operating deficit exists, the division shall reduce the transfer to the State Disaster Recovery Restricted Account by the amount necessary to eliminate the operating deficit.

Amended by Chapter 295, 2013 General Session

63J-1-315. Medicaid Growth Reduction and Budget Stabilization Account
--Transfers of Medicaid growth savings -- Base budget adjustments.

(1) As used in this section:

(a) "Department" means the Department of Health created in Section 26-1-4.

(b) "Division" means the Division of Health Care Financing created within the department under Section 26-18-2.1.

(c) "General Fund revenue surplus" means a situation where actual General Fund revenues collected in a completed fiscal year exceed the estimated revenues for the General Fund for that fiscal year that were adopted by the Executive Appropriations Committee of the Legislature.

(d) "Medicaid growth savings" means the Medicaid growth target minus Medicaid program expenditures, if Medicaid program expenditures are less than the Medicaid growth target.

(e) "Medicaid growth target" means Medicaid program expenditures for the previous year multiplied by 1.08.

(f) "Medicaid program" is as defined in Section 26-18-2.

(g) "Medicaid program expenditures" means total state revenue expended for the Medicaid program from the General Fund, including restricted accounts within the General Fund, during a fiscal year.

(h) "Medicaid program expenditures for the previous year" means total state revenue expended for the Medicaid program from the General Fund, including restricted accounts within the General Fund, during the fiscal year immediately preceding a fiscal year for which Medicaid program expenditures are calculated.

(i) "Operating deficit" means that, at the end of the fiscal year, the unassigned fund balance in the General Fund is less than zero.

(j) "State revenue" means revenue other than federal revenue.

(k) "State revenue expended for the Medicaid program" includes money transferred or appropriated to the Medicaid Growth Reduction and Budget Stabilization Account only to the extent the money is appropriated for the Medicaid program by the Legislature.

(2) There is created within the General Fund a restricted account to be known as the Medicaid Growth Reduction and Budget Stabilization Account.

(3) (a) (i) Except as provided in Subsection (6), if, at the end of a fiscal year, there is a General Fund revenue surplus, the Division of Finance shall transfer an amount equal to Medicaid growth savings from the General Fund to the Medicaid Growth Reduction and Budget Stabilization Account.

(ii) If the amount transferred is reduced to prevent an operating deficit, as provided in Subsection (6), the Legislature shall include, to the extent revenue is available, an amount equal to the reduction as an appropriation from the General Fund to the account in the base budget for the second fiscal year following the fiscal year for which the reduction was made.

(b) If, at the end of a fiscal year, there is not a General Fund revenue surplus,

the Legislature shall include, to the extent revenue is available, an amount equal to Medicaid growth savings as an appropriation from the General Fund to the account in the base budget for the second fiscal year following the fiscal year for which the reduction was made.

(c) Subsections (3)(a) and (3)(b) apply only to the fiscal year in which the department implements the proposal developed under Section 26-18-405 to reduce the long-term growth in state expenditures for the Medicaid program, and to each fiscal year after that year.

(4) The Division of Finance shall calculate the amount to be transferred under Subsection (3):

(a) before transferring revenue from the General Fund revenue surplus to:
(i) the General Fund Budget Reserve Account under Section 63J-1-312 and;
(ii) the State Disaster Recovery Restricted Account under Section 63J-1-314;
(b) before earmarking revenue from the General Fund revenue surplus to the Industrial Assistance Account under Section 63M-1-905; and

(c) before making any other year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law.

(5) (a) If, at the close of any fiscal year, there appears to be insufficient money to pay additional debt service for any bonded debt authorized by the Legislature, the Division of Finance may hold back from any General Fund revenue surplus money sufficient to pay the additional debt service requirements resulting from issuance of bonded debt that was authorized by the Legislature.

(b) The Division of Finance may not spend the hold back amount for debt service under Subsection (5)(a) unless and until it is appropriated by the Legislature.

(c) If, after calculating the amount for transfer under Subsection (3), the remaining General Fund revenue surplus is insufficient to cover the hold back for debt service required by Subsection (5)(a), the Division of Finance shall reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to cover the debt service hold back.

(d) Notwithstanding Subsections (3) and (4), the Division of Finance shall hold back the General Fund balance for debt service authorized by this Subsection (5) before making any transfers to the Medicaid Growth Reduction and Budget Stabilization Account or any other designation or allocation of General Fund revenue surplus.

(6) Notwithstanding Subsections (3) and (4), if, at the end of a fiscal year, the Division of Finance determines that an operating deficit exists and that holding back earmarks to the Industrial Assistance Account under Section 63M-1-905, transfers to the State Disaster Recovery Restricted Account under Section 63J-1-314, transfers to the General Fund Budget Reserve Account under Section 63J-1-312, or earmarks and transfers to more than one of those accounts, in that order, does not eliminate the operating deficit, the Division of Finance may reduce the transfer to the Medicaid Growth Reduction and Budget Stabilization Account by the amount necessary to eliminate the operating deficit.

(7) The Legislature may appropriate money from the Medicaid Growth Reduction and Budget Stabilization Account only:

(a) if Medicaid program expenditures for the fiscal year for which the appropriation is made are estimated to be 108% or more of Medicaid program expenditures for the previous year; and

(b) for the Medicaid program.

(8) The Division of Finance shall deposit interest or other earnings derived from investment of Medicaid Growth Reduction and Budget Stabilization Account money into the General Fund.

Enacted by Chapter 211, 2011 General Session

63J-1-410. Internal service funds -- Governance and review.

(1) For purposes of this section:

(a) "Agency" means a department, division, office, bureau, or other unit of state government, and includes any subdivision of an agency.

(b) "Do not replace vehicles" means a vehicle accounted for in the Division of Fleet Operations for which charges to an agency for its use do not include amounts to cover depreciation or to accumulate assets to replace the vehicle at the end of its useful life.

(c) "Internal service fund agency" means an agency that provides goods or services to other agencies of state government or to other governmental units on a capital maintenance and cost reimbursement basis, and which recovers costs through interagency billings.

(d) "Revolving loan fund" means each of the revolving loan funds defined in Section 63A-3-205.

(2) An internal service fund agency is not subject to this section with respect to its administration of a revolving loan fund.

(3) (a) An internal service fund agency may not bill another agency for services that it provides for each internal service fund operated by the agency, unless the Legislature has:

(i) reviewed and approved each internal service fund's budget request;

(ii) reviewed and approved each internal service fund's rates, fees, and other amounts that it charges those who use its services and included those rates, fees, and amounts in an appropriation act;

(iii) approved the number of full-time, permanent positions of each internal service fund as part of the annual appropriation process;

(iv) review the number of full-time equivalent contract employees of each internal service fund as part of the annual appropriation process; and

(v) appropriated to the internal service fund agency each internal service fund's estimated revenue based upon the rates and fee structure that are the basis for the estimate.

(b) If an internal service fund agency operates more than one internal service fund within the internal service fund agency, the internal service fund agency shall comply with the review and approval requirements under Subsection (3)(a) for each internal service fund.

(c) If an internal service fund agency operates an internal service fund and does

not get the approvals required under Subsection (3)(a) or (4)(b), the internal service fund agency shall rebate all rates, fees, and amounts collected to those who use the services for the rates, fees, and amounts collected that were not approved under Subsection (3)(a) or (4)(b).

(4) (a) Except as provided in Subsection (4)(b), an internal service fund agency may not charge rates, fees, and other amounts that exceed the rates, fees, and amounts established by the Legislature in the appropriations act.

(b) (i) An internal service fund agency that begins a new service or introduces a new product between annual general sessions of the Legislature may, for that service or product:

- (A) establish and charge an interim rate or amount;
- (B) acquire contract employees, if necessary; or
- (C) do a combination of Subsections (4)(b)(i)(A) and (B).

(ii) The internal service fund agency shall:

(A) submit the interim rate or amount under Subsection (4)(b)(i) to the Legislature for approval at the next annual general session; and

(B) report any change in the number of contract employees under Subsection (4)(b)(i) to the appropriate legislative appropriations subcommittee for review.

(5) The internal service fund agency budget request shall separately identify the capital needs and the related capital budget.

(6) In the fiscal year that the accounting change referred to in Subsection 51-5-6(2) is implemented by the Division of Finance, the Division of Finance shall transfer equity created by that accounting change to any internal service fund agency up to the amount needed to eliminate any long-term debt and deficit working capital in the fund.

(7) No new internal service fund agency may be established unless reviewed and approved by the Legislature.

(8) (a) Except as provided in Subsection (8)(f), an internal service fund agency may not acquire capital assets unless legislative approval for acquisition of the assets has been included in an appropriations act for the internal service fund agency.

(b) An internal service fund agency may not acquire capital assets after the transfer mandated by Subsection (6) has occurred unless the internal service fund agency has adequate working capital.

(c) The internal service fund agency shall provide working capital from the following sources in the following order:

(i) first, from operating revenues to the extent allowed by state rules and federal regulations;

(ii) second, from long-term debt, subject to the restrictions of this section; and

(iii) last, from an appropriation.

(d) (i) To eliminate negative working capital, an internal service fund agency may incur long-term debt from the General Fund or Special Revenue Funds to acquire capital assets.

(ii) The internal service fund agency shall repay all long-term debt borrowed from the General Fund or Special Revenue Funds by making regular payments over the useful life of the asset according to the asset's depreciation schedule.

(e) (i) The Division of Finance may not allow an internal service fund agency's borrowing to exceed 90% of the net book value of the agency's capital assets as of the end of the fiscal year.

(ii) If an internal service fund agency wishes to purchase authorized assets or enter into equipment leases that would increase its borrowing beyond 90% of the net book value of the agency's capital assets, the agency may purchase those assets only with money appropriated from another fund, such as the General Fund or a special revenue fund.

(f) (i) Except as provided in Subsection (8)(f)(ii), capital assets acquired through agency appropriation may not be transferred to any internal service fund agency without legislative approval.

(ii) Vehicles acquired by agencies from appropriated funds or money appropriated to agencies to be used for vehicle purchases may be transferred to the Division of Fleet Operations and, when transferred, become part of the Fleet Operations Internal Service Fund.

(iii) Vehicles acquired with funding from sources other than state appropriations or acquired through the federal surplus property donation program may be transferred to the Division of Fleet Operations and, when transferred, become part of the Fleet Operations Internal Service Fund.

(iv) Unless otherwise approved by the Legislature, vehicles acquired under Subsection (8)(f)(iii) shall be accounted for as "do not replace" vehicles.

(9) The Division of Finance shall adopt policies and procedures related to the accounting for assets, liabilities, equity, revenues, expenditures, and transfers of internal service funds agencies.

Amended by Chapter 236, 2014 General Session

63J-1-411. Internal service funds -- End of fiscal year -- Unused authority for capital acquisition.

(1) An internal service fund agency's authority to acquire capital assets under Subsection 63J-1-410(8)(a) shall lapse if the acquisition of the capital asset does not occur in the fiscal year in which the authorization is included in the appropriations act, unless the Legislature identifies the authority to acquire the capital asset as nonlapsing authority:

(a) for a specific one-time project and a limited period of time in the Legislature's initial appropriation to the agency; or

(b) in a supplemental appropriation in accordance with Subsection (2).

(2) (a) An internal service fund agency's authority to acquire capital assets may be retained as nonlapsing authorization if the internal service fund agency includes a one-time project's list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have unused capital acquisition authority.

(b) The governor:

(i) may approve some or all of the items from an agency's one-time project's list;

and

(ii) shall identify and prioritize any approved one-time projects in the budget that the governor submits to the Legislature.

(c) The Legislature:

(i) may approve some or all of the specific items from an agency's one-time project's list as an approved capital acquisition for an agency's appropriation balance;

(ii) shall identify any authorized one-time projects in the appropriate line item appropriation; and

(iii) may prioritize one-time projects in intent language.

(3) An internal service fund agency shall submit a status report of outstanding nonlapsing authority to acquire capital assets and associated one-time projects to the Governor's Office of Management and Budget and the Legislative Fiscal Analyst's Office with the proposed budget submitted by the governor as provided under Section 63J-1-201.

Amended by Chapter 310, 2013 General Session

63J-1-504. Fees -- Adoption, procedure, and approval -- Establishing and assessing fees without legislative approval.

(1) As used in this section:

(a) (i) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(ii) "Agency" does not mean the Legislature or its committees.

(b) "Fee agency" means any agency that is authorized to establish fees.

(c) "Fee schedule" means the complete list of fees charged by a fee agency and the amount of those fees.

(2) Each fee agency shall adopt a schedule of fees assessed for services provided by the fee agency that are:

(a) reasonable, fair, and reflect the cost of services provided; and

(b) established according to a cost formula determined by the executive director of the Governor's Office of Management and Budget and the director of the Division of Finance in conjunction with the agency seeking to establish the fee.

(3) Except as provided in Subsection (6), a fee agency may not:

(a) set fees by rule; or

(b) create, change, or collect any fee unless the fee has been established according to the procedures and requirements of this section.

(4) Each fee agency that is proposing a new fee or proposing to change a fee shall:

(a) present each proposed fee at a public hearing, subject to the requirements of Title 52, Chapter 4, Open and Public Meetings Act;

(b) increase, decrease, or affirm each proposed fee based on the results of the public hearing;

(c) except as provided in Subsection (6), submit the fee schedule to the Legislature as part of the agency's annual appropriations request; and

(d) where necessary, modify the fee schedule to implement the Legislature's actions.

(5) (a) Each fee agency shall submit its fee schedule or special assessment amount to the Legislature for its approval on an annual basis.

(b) The Legislature may approve, increase or decrease and approve, or reject any fee submitted to it by a fee agency.

(6) After conducting the public hearing required by this section, a fee agency may establish and assess fees without first obtaining legislative approval if:

(a) (i) the Legislature creates a new program that is to be funded by fees to be set by the Legislature;

(ii) the new program's effective date is before the Legislature's next annual general session; and

(iii) the fee agency submits the fee schedule for the new program to the Legislature for its approval at a special session, if allowed in the governor's call, or at the next annual general session of the Legislature, whichever is sooner;

(b) the Division of Occupational and Professional licensing makes a special assessment against qualified beneficiaries under the Residence Lien Restriction and Lien Recovery Fund Act as provided in Subsection 38-11-206(1); or

(c) (i) the fee agency proposes to increase or decrease an existing fee for the purpose of adding or removing a transactional fee that is charged or assessed by a non-governmental third party but is included as part of the fee charged by the fee agency;

(ii) the amount of the increase or decrease in the fee is equal to the amount of the transactional fee charged or assessed by the non-governmental third party; and

(iii) the increased or decreased fee is submitted to the Legislature for its approval at a special session, if allowed in the governor's call, or at the next annual session of the Legislature, whichever is sooner.

(7) (a) Each fee agency that wishes to change any fee shall submit to the governor as part of the agency's annual appropriation request a list that identifies:

(i) the title or purpose of the fee;

(ii) the present amount of the fee;

(iii) the proposed new amount of the fee;

(iv) the percent that the fee will have increased if the Legislature approves the higher fee;

(v) the estimated total annual revenue change that will result from the change in the fee;

(vi) the account or fund into which the fee will be deposited; and

(vii) the reason for the change in the fee.

(b) (i) The governor may review and approve, modify and approve, or reject the fee increases.

(ii) The governor shall transmit the list required by Subsection (7)(a), with any modifications, to the Legislative Fiscal Analyst with the governor's budget recommendations.

(c) Bills approving any fee change shall be filed before the beginning of the Legislature's annual general session, if possible.

(8) (a) Except as provided in Subsection (8)(b), the School and Institutional Trust Lands Administration, established in Section 53C-1-201, is exempt from the requirements of this section.

(b) The following fees of the School and Institutional Trust Lands Administration are subject to the requirements of this section: application, assignment, amendment, affidavit for lost documents, name change, reinstatement, grazing nonuse, extension of time, partial conveyance, patent reissue, collateral assignment, electronic payment, and processing.

Amended by Chapter 310, 2013 General Session

63J-1-505. Payment of fees prerequisite to service -- Exception.

(1) (a) State and county officers required by law to charge fees may not perform any official service unless the fees prescribed for that service are paid in advance.

(b) When the fee is paid, the officer shall perform the services required.

(c) An officer is liable upon the officer's official bond for every failure or refusal to perform an official duty when the fees are tendered.

(2) (a) Except as provided in Subsection (2)(b), no fees may be charged:

(i) to the officer's state, or any county or subdivision of the state;

(ii) to any public officer acting for the state, county, or subdivision;

(iii) in cases of habeas corpus;

(iv) in criminal causes before final judgment;

(v) for administering and certifying the oath of office;

(vi) for swearing pensioners and their witnesses; or

(vii) for filing and recording bonds of public officers.

(b) Fees may be charged for payment:

(i) of recording fees for assessment area recordings in compliance with Section 11-42-205;

(ii) of recording fees for judgments recorded in compliance with Sections 57-3-106 and 78A-7-105; and

(iii) to the state engineer under Section 73-2-14.

Amended by Chapter 189, 2014 General Session

63J-1-506. Parking fees at court buildings.

(1) State-owned or leased court facilities may not charge or collect fees for parking without prior approval by the Legislature.

(2) The Legislature may approve, increase, decrease and approve, or reject any parking fee submitted to it by the courts.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing accounts and funds -- Institutes of higher education to report

unexpended balances.

(1) As used in this section, "transaction control number" means the unique numerical identifier established by the Department of Health to track each medical claim, which indicates the date upon which the claim is entered.

(2) On or before August 31 of each fiscal year, the director of the Division of Finance shall close out to the proper fund or account all remaining unexpended and unencumbered balances of appropriations made by the Legislature, except:

(a) those funds classified under Title 51, Chapter 5, Funds Consolidation Act as:

- (i) enterprise funds;
- (ii) internal service funds;
- (iii) trust and agency funds;
- (iv) capital projects funds;
- (v) discrete component unit funds;
- (vi) debt service funds; and
- (vii) permanent funds;

(b) those revenue collections, appropriations from a fund or account, or appropriations to a program that are designated as nonlapsing under Sections 63J-1-602.1 through 63J-1-602.5;

(c) expendable special revenue funds, unless specifically directed to close out the fund in the fund's enabling legislation;

(d) acquisition and development funds appropriated to the Division of Parks and Recreation;

(e) funds encumbered to pay purchase orders issued prior to May 1 for capital equipment if delivery is expected before June 30; and

(f) unexpended and unencumbered balances of appropriations that meet the requirements of Section 63J-1-603.

(3) (a) Liabilities and related expenses for goods and services received on or before June 30 shall be recognized as expenses due and payable from appropriations made prior to June 30.

(b) The liability and related expense shall be recognized within time periods established by the Division of Finance but shall be recognized not later than August 31.

(c) Liabilities and expenses not so recognized may be paid from regular departmental appropriations for the subsequent fiscal year, if these claims do not exceed unexpended and unencumbered balances of appropriations for the years in which the obligation was incurred.

(d) No amounts may be transferred from an item of appropriation of any department, institution, or agency into the Capital Projects Fund or any other fund without the prior express approval of the Legislature.

(4) (a) For purposes of this chapter, claims processed under the authority of Title 26, Chapter 18, Medical Assistance Act:

(i) may not be considered a liability or expense to the state for budgetary purposes unless they are received by the Division of Health Care Financing within the time periods established by the Division of Finance under Subsection (3)(b); and

(ii) are not subject to the requirements of Subsection (3)(c).

(b) The transaction control number recorded on each claim invoice by the division is considered the date of receipt.

(5) Any balance from an appropriation to a state institution of higher education that remains unexpended at the end of the fiscal year shall be reported to the Division of Finance by the September 1 following the close of the fiscal year.

Amended by Chapter 400, 2013 General Session

63J-1-602. Nonlapsing accounts and funds.

(1) The revenue collections, appropriations from a fund or account, and appropriations to a program that are listed in Sections 63J-1-602.1 through 63J-1-602.5 are nonlapsing.

(2) No revenue collection, appropriation from a fund or account, or appropriation to a program may be treated as nonlapsing unless:

(a) it is listed in Sections 63J-1-602.1 through 63J-1-602.5;

(b) it is designated in a condition of appropriation in the appropriations bill; or

(c) nonlapsing authority is granted under Section 63J-1-603.

(3) Each legislative appropriations subcommittee shall review the accounts and funds that have been granted nonlapsing authority under the provisions of this section or Section 63J-1-603.

Amended by Chapter 9, 2010 General Session

Amended by Chapter 10, 2010 General Session

Amended by Chapter 218, 2010 General Session

Amended by Chapter 265, 2010 General Session

Amended by Chapter 265, 2010 General Session, (Coordination Clause)

Amended by Chapter 277, 2010 General Session

Amended by Chapter 278, 2010 General Session

Amended by Chapter 287, 2010 General Session

Amended by Chapter 324, 2010 General Session

Amended by Chapter 379, 2010 General Session

Amended by Chapter 391, 2010 General Session

Amended by Chapter 399, 2010 General Session

63J-1-602.1. List of nonlapsing accounts and funds -- General authority and Title 1 through Title 30.

(1) Appropriations made to the Legislature and its committees.

(2) The Percent-for-Art Program created in Section 9-6-404.

(3) The Martin Luther King, Jr. Civil Rights Support Restricted Account created in Section 9-18-102.

(4) The LeRay McAllister Critical Land Conservation Program created in Section 11-38-301.

(5) An appropriation made to the Division of Wildlife Resources for the appraisal and purchase of lands under the Pelican Management Act, as provided in Section 23-21a-6.

(6) Award money under the State Asset Forfeiture Grant Program, as provided under Section 24-4-117.

(7) Funds collected from the emergency medical services grant program, as provided in Section 26-8a-207.

(8) The Prostate Cancer Support Restricted Account created in Section 26-21a-303.

(9) State funds appropriated for matching federal funds in the Children's Health Insurance Program as provided in Section 26-40-108.

(10) The Utah Health Care Workforce Financial Assistance Program created in Section 26-46-102.

(11) The primary care grant program created in Section 26-10b-102.

Amended by Chapter 384, 2014 General Session

63J-1-602.2. List of nonlapsing funds and accounts -- Title 31 through Title 45.

(1) Appropriations from the Technology Development Restricted Account created in Section 31A-3-104.

(2) Appropriations from the Criminal Background Check Restricted Account created in Section 31A-3-105.

(3) Appropriations from the Captive Insurance Restricted Account created in Section 31A-3-304, except to the extent that Section 31A-3-304 makes the money received under that section free revenue.

(4) Appropriations from the Title Licensee Enforcement Restricted Account created in Section 31A-23a-415.

(5) Appropriations from the Health Insurance Actuarial Review Restricted Account created in Section 31A-30-115.

(6) Appropriations from the Insurance Fraud Investigation Restricted Account created in Section 31A-31-108.

(7) Appropriations from the Underage Drinking Prevention Media and Education Campaign Restricted Account created in Section 32B-2-306.

(8) The Youth Development Organization Restricted Account created in Section 35A-8-1903.

(9) The Youth Character Organization Restricted Account created in Section 35A-8-2003.

(10) Funding for a new program or agency that is designated as nonlapsing under Section 36-24-101.

(11) Appropriations from the Oil and Gas Conservation Account created in Section 40-6-14.5.

(12) Appropriations from the Electronic Payment Fee Restricted Account created by Section 41-1a-121 to the Motor Vehicle Division.

(13) Funds available to the Tax Commission under Section 41-1a-1201 for the:

(a) purchase and distribution of license plates and decals; and

(b) administration and enforcement of motor vehicle registration requirements.

Amended by Chapter 338, 2013 General Session

63J-1-602.3. List of nonlapsing funds and accounts -- Title 46 through Title 60.

(1) Funding for the Search and Rescue Financial Assistance Program, as provided in Section 53-2a-1102.

(2) Appropriations made to the Division of Emergency Management from the State Disaster Recovery Restricted Account, as provided in Section 53-2a-603.

(3) Appropriations made to the Department of Public Safety from the Department of Public Safety Restricted Account, as provided in Section 53-3-106.

(4) Appropriations to the Motorcycle Rider Education Program, as provided in Section 53-3-905.

(5) Appropriations from the Utah Highway Patrol Aero Bureau Restricted Account created in Section 53-8-303.

(6) Appropriations from the DNA Specimen Restricted Account created in Section 53-10-407.

(7) The Canine Body Armor Restricted Account created in Section 53-16-201.

(8) The School Readiness Restricted Account created in Section 53A-1b-104.

(9) Appropriations to the State Board of Education, as provided in Section 53A-17a-105.

(10) Money received by the State Office of Rehabilitation for the sale of certain products or services, as provided in Section 53A-24-105.

(11) Certain funds appropriated from the General Fund to the State Board of Regents for teacher preparation programs, as provided in Section 53B-6-104.

(12) Funding for the Medical Education Program administered by the Medical Education Council, as provided in Section 53B-24-202.

(13) A certain portion of money collected for administrative costs under the School Institutional Trust Lands Management Act, as provided under Section 53C-3-202.

(14) Certain surcharges on residential and business telephone numbers imposed by the Public Service Commission, as provided in Section 54-8b-10.

(15) Certain fines collected by the Division of Occupational and Professional Licensing for violation of unlawful or unprofessional conduct that are used for education and enforcement purposes, as provided in Section 58-17b-505.

(16) Certain fines collected by the Division of Occupational and Professional Licensing for use in education and enforcement of the Security Personnel Licensing Act, as provided in Section 58-63-103.

(17) Appropriations from the Relative Value Study Restricted Account created in Section 59-9-105.

(18) The Cigarette Tax Restricted Account created in Section 59-14-204.

Amended by Chapter 189, 2014 General Session

Amended by Chapter 304, 2014 General Session

63J-1-602.4. List of nonlapsing funds and accounts -- Title 61 through

Title 63M.

- (1) Funds paid to the Division of Real Estate for the cost of a criminal background check for a mortgage loan license, as provided in Section 61-2c-202.
- (2) Funds paid to the Division of Real Estate for the cost of a criminal background check for principal broker, associate broker, and sales agent licenses, as provided in Section 61-2f-204.
- (3) Certain funds donated to the Department of Human Services, as provided in Section 62A-1-111.
- (4) Appropriations from the National Professional Men's Basketball Team Support of Women and Children Issues Restricted Account created in Section 62A-1-202.
- (5) Certain funds donated to the Division of Child and Family Services, as provided in Section 62A-4a-110.
- (6) Appropriations from the Choose Life Adoption Support Restricted Account created in Section 62A-4a-608.
- (7) Appropriations to the Division of Services for People with Disabilities, as provided in Section 62A-5-102.
- (8) A portion of the funds appropriated to the Utah Seismic Safety Commission, as provided in Section 63C-6-104.
- (9) Certain money payable for commission expenses of the Pete Suazo Utah Athletic Commission, as provided under Section 63C-11-301.
- (10) Funds appropriated or collected for publishing the Division of Administrative Rules' publications, as provided in Section 63G-3-402.
- (11) The Immigration Act Restricted Account created in Section 63G-12-103.
- (12) Money received by the military installation development authority, as provided in Section 63H-1-504.
- (13) Appropriations to fund the Governor's Office of Economic Development's Enterprise Zone Act, as provided in Title 63M, Chapter 1, Part 4, Enterprise Zone Act.
- (14) The Motion Picture Incentive Account created in Section 63M-1-1803.

Amended by Chapter 37, 2014 General Session

Amended by Chapter 186, 2014 General Session

Amended by Chapter 189, 2014 General Session

63J-1-602.5. List of nonlapsing funds and accounts -- Title 64 and thereafter.

- (1) Funds collected by the housing of state probationary inmates or state parole inmates, as provided in Subsection 64-13e-104(2).
- (2) Certain forestry and fire control funds utilized by the Division of Forestry, Fire, and State Lands, as provided in Section 65A-8-103.
- (3) The Department of Human Resource Management user training program, as provided in Section 67-19-6.
- (4) Funds for the University of Utah Poison Control Center program, as provided in Section 69-2-5.5.
- (5) The Traffic Noise Abatement Program created in Section 72-6-112.

(6) Certain funds received by the Office of the State Engineer for well drilling fines or bonds, as provided in Section 73-3-25.

(7) Certain money appropriated from the Water Resources Conservation and Development Fund, as provided in Section 73-23-2.

(8) Certain funds appropriated for compensation for special prosecutors, as provided in Section 77-10a-19.

(9) Funds donated or paid to a juvenile court by private sources, as provided in Subsection 78A-6-203(1)(c).

(10) A state rehabilitative employment program, as provided in Section 78A-6-210.

(11) Fees for certificate of admission created under Section 78A-9-102.

(12) The money for the Utah Geological Survey, as provided in Section 79-3-401.

(13) Revenue for golf user fees at the Wasatch Mountain State Park, Palisades State Park, Jordan River State Park, and Green River State Park, as provided under Section 79-4-403.

(14) Certain funds received by the Division of Parks and Recreation from the sale or disposal of buffalo, as provided under Section 79-4-1001.

(15) The Bonneville Shoreline Trail Program created under Section 79-5-503.

Amended by Chapter 208, 2011 General Session

Amended by Chapter 303, 2011 General Session

Amended by Chapter 342, 2011 General Session

63J-1-603. Nonlapsing authority.

(1) As used in this section:

(a) (i) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(ii) "Agency" does not include those entities whose unappropriated and unencumbered balances are made nonlapsing by the operation of Subsection 63J-1-601(2).

(b) "Appropriation balance" means the unexpended and unencumbered balance of a line item appropriation made by the Legislature to an agency that exists at the end of a fiscal year.

(c) "Nonlapsing" means that an agency's appropriation balance is not closed out to the appropriate fund at the end of a fiscal year as required by Section 63J-1-601.

(d) "One-time project" means a project or program that can be completed with the appropriation balance and includes such items as employee incentive awards and bonuses, purchase of equipment, and one-time training.

(e) "One-time projects list" means:

(i) a prioritized list of one-time projects, upon which an agency would like to spend any appropriation balance; and

(ii) for each project, the maximum amount the agency is estimating for the project.

(f) "Program" means a service provided by an agency to members of the public, other agencies, or to employees of the agency.

(2) Notwithstanding the requirements of Section 63J-1-601, an agency may, by following the procedures and requirements of this section, retain and expend any appropriation balance.

(3) (a) Each agency that wishes to preserve any part or all of its appropriation balance as nonlapsing shall include a one-time projects list as part of the budget request that it submits to the governor and the Legislature at the annual general session of the Legislature immediately before the end of the fiscal year in which the agency may have an appropriation balance.

(b) An agency may not include a proposed expenditure on its one-time projects list if:

- (i) the expenditure creates a new program;
- (ii) the expenditure enhances the level of an existing program; or
- (iii) the expenditure will require a legislative appropriation in the next fiscal year.

(c) The governor:

(i) may approve some or all of the items from an agency's one-time projects list; and

(ii) shall identify and prioritize any approved one-time projects in the budget that the governor submits to the Legislature.

(4) The Legislature:

(a) may approve some or all of the specific items from an agency's one-time projects list as authorized expenditures of an agency's appropriation balance;

(b) shall identify any authorized one-time projects in the appropriate line item appropriation; and

(c) may prioritize one-time projects in intent language.

Renumbered and Amended by Chapter 183, 2009 General Session

63J-2-101. Title.

This chapter is known as the "Revenue Procedures and Control Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63J-2-102. Definitions.

As used in this chapter:

(1) (a) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(b) "Agency" does not include the legislative branch, the board of regents, the Utah Higher Education Assistance Authority, the board of trustees of each higher education institution, each higher education institution and its associated branches, centers, divisions, institutes, foundations, hospitals, colleges, schools, or departments, a public education entity, or an independent agency.

(2) (a) "Dedicated credits revenues" means revenues from collections by an

agency that are deposited directly into an account for expenditure on a separate line item and program.

(b) "Dedicated credits" does not mean:

(i) federal revenues and the related pass through or the related state match paid by one agency to another;

(ii) revenues that are not deposited in governmental funds;

(iii) revenues from any contracts; and

(iv) revenues received by the Attorney General's Office from billings for professional services.

(3) "Fees" means revenue collected by an agency for performing a service or providing a function that the agency deposits or accounts for as dedicated credits or fixed collections.

(4) (a) "Fixed collections revenues" means revenue from collections:

(i) fixed by law or by the appropriation act at a specific amount; and

(ii) required by law to be deposited into a separate line item and program.

(b) "Fixed collections" does not mean:

(i) federal revenues and the related pass through or the related state match paid by one agency to another;

(ii) revenues that are not deposited in governmental funds;

(iii) revenues from any contracts; and

(iv) revenues received by the Attorney General's Office from billings for professional services.

(5) (a) "Governmental fund" means funds used to account for the acquisition, use, and balances of expendable financial resources and related liabilities using a measurement focus that emphasizes the flow of financial resources.

(b) "Governmental fund" does not include internal service funds, enterprise funds, capital projects funds, debt service funds, or trust and agency funds as established in Section 51-5-4.

(6) "Independent agency" means the Utah State Retirement Office, the Utah Housing Corporation, and the Workers' Compensation Fund.

(7) "Program" means the function or service provided by an agency for which the agency collects fees.

(8) "Revenue types" means the categories established by the Division of Finance under the authority of this chapter that classify revenue according to the purpose for which it is collected.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-2-201. Accounting for fee revenues.

(1) The Division of Finance shall:

(a) establish revenue types;

(b) develop a computerized master file of revenue types containing, for each revenue type:

(i) the definition of each revenue type;

(ii) if available, a historical record of the amount collected for the revenue type

for each of the five years;

- (iii) the agency that collected the revenue;
 - (iv) the program, organization, and fund into which the revenue was originally recorded each year;
 - (v) a general description of the function where the largest portion of the revenue was spent each year;
 - (vi) the specific legal authority that authorizes the agency to collect the revenue;
 - (vii) the rates charged to the individuals or entities that pay the revenue;
 - (viii) the general methodology used to determine the rate charged to individuals or entities that pay the revenue;
 - (ix) for dedicated credits revenues and fixed collections revenues, the revenue estimate used by the agency to prepare their budget;
 - (x) the amount appropriated as dedicated credits revenues and fixed collections revenues in the annual appropriation act; and
 - (xi) for revenues other than dedicated credits revenues and fixed collections revenues, an estimate of the amount of revenue, if available or reasonably calculable; and
- (c) make the computerized file available to the Budget Office and the Office of Legislative Fiscal Analyst upon request.
- (2) Each agency shall provide the Division of Finance with the information required by this section.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-2-202. Disposition of revenues -- Reporting of balances in dedicated credits and fixed collections.

(1) (a) Each agency shall include in its annual budget request estimates of dedicated credits revenues and fixed collections revenues that are identified by, collected for, or set by the agency.

(b) If the Legislature or the Division of Finance establishes a new revenue type by law, the agency shall include that new revenue type in its budget request for the next fiscal year.

(c) (i) Except as provided in Subsection (1)(c)(ii), if any agency fails to include the estimates of a revenue type in its annual budget request, the Division of Finance shall deposit the money collected in that revenue type into the General Fund or other appropriate fund as free or restricted revenue.

(ii) The Division of Finance may not deposit the money collected from a revenue type not included in an agency's annual budget request into the General Fund or other appropriate fund if the agency did not include the estimates of the revenue type in its annual budget request because the Legislature had not yet established or authorized the new revenue type by law.

(2) (a) (i) (A) Except as provided in Subsection (2)(a)(i)(B) or (2)(b), each agency that receives dedicated credits and fixed collections revenues greater than the amount appropriated to them by the Legislature in the annual appropriations act may expend the excess up to 25% of the amount appropriated if the expenditure is

authorized by an amended work program approved as provided in Section 63J-1-209.

(B) Except for line items covering tuition and federal vocational funds at institutions of higher learning, any expenditure of dedicated credits in excess of amounts appropriated by the Legislature may not be used to permanently increase personnel within the agency unless approved by the Legislature.

(ii) The Division of Finance shall deposit the balance of that excess into the General Fund or other appropriate fund as free or restricted revenue.

(b) Notwithstanding the requirements of Subsection (2)(a), when an agency's dedicated credits and fixed collections revenues represent over 90% of the budget of the program for which they are collected, the agency may expend 100% of the excess of the amount appropriated if the expenditure is authorized by an amended work program approved as provided in Section 63J-1-209.

(3) Each agency that receives dedicated credits or fixed collections shall report, to the Division of Finance, any balances remaining in those funds at the conclusion of each fiscal year.

Amended by Chapter 102, 2012 General Session

63J-3-101. Title.

This chapter is known as the "State Appropriations and Tax Limitation Act."

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-102. Purpose of chapter -- Limitations on state mandated property tax, state appropriations, and state debt.

(1) (a) It is the purpose of this chapter to:

(i) place a limitation on the state mandated property tax rate under Title 53A, Chapter 17a, Minimum School Program Act;

(ii) place limitations on state government appropriations based upon the combined changes in population and inflation; and

(iii) place a limitation on the state's outstanding general obligation debt.

(b) The limitations imposed by this chapter are in addition to limitations on tax levies, rates, and revenues otherwise provided for by law.

(2) (a) This chapter may not be construed as requiring the state to collect the full amount of tax revenues permitted to be appropriated by this chapter.

(b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the appropriations of state government.

(3) The recommendations and budget analysis prepared by the Governor's Office of Management and Budget and the Office of the Legislative Fiscal Analyst, as required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with the limitations imposed under this chapter.

Amended by Chapter 310, 2013 General Session

63J-3-103. Definitions.

As used in this chapter:

(1) (a) "Appropriations" means actual unrestricted capital and operating appropriations from unrestricted General Fund and Education Fund sources.

(b) "Appropriations" includes appropriations that are contingent upon available surpluses in the General Fund and Education Fund.

(c) "Appropriations" does not mean:

(i) public education expenditures;

(ii) Utah Education and Telehealth Network expenditures in support of public education;

(iii) Utah College of Applied Technology expenditures in support of public education;

(iv) Tax Commission expenditures related to collection of income taxes in support of public education;

(v) debt service expenditures;

(vi) emergency expenditures;

(vii) expenditures from all other fund or subfund sources;

(viii) transfers or appropriations from the Education Fund to the Uniform School Fund;

(ix) transfers into, or appropriations made to, the General Fund Budget Reserve Account established in Section 63J-1-312;

(x) transfers into, or appropriations made to, the Education Budget Reserve Account established in Section 63J-1-313;

(xi) transfers in accordance with Section 63J-1-314 into, or appropriations made to the State Disaster Recovery Restricted Account created in Section 53-2a-603;

(xii) money appropriated to fund the total one-time project costs for the construction of capital developments as defined in Section 63A-5-104;

(xiii) transfers or deposits into or appropriations made to the Centennial Highway Fund created by Section 72-2-118;

(xiv) transfers or deposits into or appropriations made to the Transportation Investment Fund of 2005 created by Section 72-2-124;

(xv) transfers or deposits into or appropriations made to:

(A) the Department of Transportation from any source; or

(B) any transportation-related account or fund from any source; or

(xvi) supplemental appropriations from the General Fund to the Division of Forestry, Fire, and State Lands to provide money for wildland fire control expenses incurred during the current or previous fire years.

(2) "Base year real per capita appropriations" means the result obtained for the state by dividing the fiscal year 1985 actual appropriations of the state less debt money by:

(a) the state's July 1, 1983 population; and

(b) the fiscal year 1983 inflation index divided by 100.

(3) "Calendar year" means the time period beginning on January 1 of any given year and ending on December 31 of the same year.

(4) "Fiscal emergency" means an extraordinary occurrence requiring immediate expenditures and includes the settlement under Laws of Utah 1988, Fourth Special

Session, Chapter 4.

(5) "Fiscal year" means the time period beginning on July 1 of any given year and ending on June 30 of the subsequent year.

(6) "Fiscal year 1985 actual base year appropriations" means fiscal year 1985 actual capital and operations appropriations from General Fund and non-Uniform School Fund income tax revenue sources, less debt money.

(7) "Inflation index" means the change in the general price level of goods and services as measured by the Gross National Product Implicit Price Deflator of the Bureau of Economic Analysis, U.S. Department of Commerce calculated as provided in Section 63J-3-202.

(8) (a) "Maximum allowable appropriations limit" means the appropriations that could be, or could have been, spent in any given year under the limitations of this chapter.

(b) "Maximum allowable appropriations limit" does not mean actual appropriations spent or actual expenditures.

(9) "Most recent fiscal year's inflation index" means the fiscal year inflation index two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(10) "Most recent fiscal year's population" means the fiscal year population two fiscal years previous to the fiscal year for which the maximum allowable inflation and population appropriations limit is being computed under this chapter.

(11) "Population" means the number of residents of the state as of July 1 of each year as calculated by the Governor's Office of Management and Budget according to the procedures and requirements of Section 63J-3-202.

(12) "Revenues" means the revenues of the state from every tax, penalty, receipt, and other monetary exaction and interest connected with it that are recorded as unrestricted revenue of the General Fund and from non-Uniform School Fund income tax revenues, except as specifically exempted by this chapter.

(13) "Security" means any bond, note, warrant, or other evidence of indebtedness, whether or not the bond, note, warrant, or other evidence of indebtedness is or constitutes an "indebtedness" within the meaning of any provision of the constitution or laws of this state.

Amended by Chapter 63, 2014 General Session

63J-3-201. Appropriations limit -- Formula.

(1) There is established a state appropriations limit for each fiscal year beginning after June 30, 1988.

(2) For each of these fiscal years, the annual legislative appropriations for this state, its agencies, departments, and institutions may not exceed that sum determined by applying the formula $B * P * (I/100)$ in which:

(a) "B" equals the base year real per capita appropriations for the state, its agencies, departments, and institutions;

(b) "P" equals the most recent fiscal year's population; and

(c) "I" equals the most recent fiscal year's inflation index adjusted to reflect

fiscal year 1989 as having an index value of 100.

(3) The revenues specified in Section 63J-3-205 are not subject to the limitation in this section.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-202. Computing formula elements.

(1) For purposes of calculating fiscal year inflation indexes for the previous fiscal year, the Governor's Office of Management and Budget shall use:

(a) the actual quarterly data released by the U.S. Department of Commerce as of January 31 of each year; and

(b) the most recent U.S. Bureau of Census population estimates as of January 31 of each year.

(2) (a) For purposes of computing the inflation index, the Governor's Office of Management and Budget shall:

(i) assign the bureau's 1982 calendar year inflation index value of 100 to fiscal year 1989 for purposes of computing fiscal year index values;

(ii) compute all subsequent fiscal year inflation indexes after having assigned the fiscal year 1989 inflation index a value of 100; and

(iii) use the quarterly index values published by the Bureau of Economic Analysis, U.S. Department of Commerce, to compute fiscal year index values.

(b) If the bureau changes its calendar base year, appropriate adjustments are to be made in this chapter to accommodate those changes.

(3) (a) For purposes of computing the most recent fiscal year's population, the Governor's Office of Management and Budget shall convert the April 1 decennial census estimate to a July 1 estimate, unless otherwise estimated by the Bureau of Census.

(b) If the bureau changes the state's July 1, 1983 base year population after it conducts the 1990 Census, appropriate adjustments shall be made in this chapter to accommodate those changes.

Amended by Chapter 310, 2013 General Session

63J-3-203. Program and service adjustments to the limitation -- Funding level.

(1) If the state transfers partial or total responsibility of a program or service to another unit of government, the appropriations limitations shall be decreased by the amount of the transfer.

(2) If the state accepts partial or total responsibility for a program or service from another unit of government, the appropriations limit shall be increased by the amount of the transfer.

(3) If funding exempted under this chapter for a program or service administered by the state is reduced or eliminated and the Legislature elects to fund the program or service with tax revenue, the appropriations limitations shall be increased by the amount the Legislature elects to fund.

(4) If the state transfers the funding source of a program or service from taxes to user charges or other exempted revenue sources specified in this chapter, the maximum allowable appropriations limitations shall be decreased by the amount of the transfer.

(5) If the Legislature transfers the funding source of a program or service from user charges or other exempted revenue sources as specified in this chapter to tax revenues, appropriations limitations shall be increased by the amount of the transfer.

(6) If the state transfers revenues from sources exempt under this chapter to funds containing revenues from nonexempt sources, the revenues transferred shall be part of and subject to the appropriations limits of this chapter.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-204. Exceptions to limitation -- Fiscal emergency -- Requirements -- Limits modified or exceeded by vote of the people.

(1) (a) The limits as provided in this chapter may be exceeded if a fiscal emergency is declared.

(b) A fiscal emergency for the state shall be declared by the governor and confirmed by more than two-thirds of both houses of the Legislature.

(2) (a) Funding for fiscal emergencies may not be included in the appropriations base for computing the maximum allowable appropriations in subsequent years.

(b) Fiscal emergency appropriations shall remain separate from appropriations subject to limits imposed by this chapter and shall be assigned expiration dates.

(3) Any limit in this chapter may be exceeded or modified by a majority vote of the people in a statewide election.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-205. Money excluded from the limitation.

Money from the following sources is excluded from the revenues appropriated and used in determining a limitation:

(1) money received from the government of the United States including federal mineral lease payments;

(2) money received by the state from another unit of government, except the proceeds of taxes, fees, or penalties imposed by the state and collected by the other unit of government;

(3) money derived from the issuance of, or to pay interest, principal, or redemption premiums on, any security;

(4) money received from the sale of fixed assets or gains on fixed asset transfers;

(5) the proceeds of contracts, grants, gifts, donations, and bequests made to the state for a purpose specified by the contractor or donor;

(6) user charges derived by the state from the sale of a product or service pledged or legally available to repay any security or for which the quantity of the product or level of service provided to a user is at the discretion of the user; and

- (7) money raised to meet fiscal emergencies.

Amended by Chapter 342, 2011 General Session

63J-3-301. State auditor's responsibilities with respect to the limitation -- Correction of deficiencies.

The state auditor shall notify the state through the appropriate officer or officers of necessary corrective action if upon audit or examination of the results of an independent audit or a budget document of the state, the state auditor determines that:

- (1) funds have been improperly accounted or budgeted for in order to avoid the limitations imposed by this chapter;
- (2) funds have been improperly exempted from the limitations as provided in this chapter;
- (3) general government functions have been improperly financed by user or service charges; or
- (4) the limitations imposed by this chapter have been exceeded.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-401. State mandated property tax limitation -- Vote requirement needed to exceed limitation.

The state mandated property tax rate in Title 53A, Chapter 17a, Minimum School Program Act, as of July 1, 1989, may not be increased without more than a two-thirds vote of both houses of the Legislature.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-3-402. Debt limitation -- Vote requirement needed to exceed limitation -- Exceptions.

(1) (a) Except as provided in Subsection (1)(b), the outstanding general obligation debt of the state may not exceed 45% of the maximum allowable appropriations limit unless approved by more than a two-thirds vote of both houses of the Legislature.

(b) Notwithstanding the limitation contained in Subsection (1)(a), debt issued under the authority of the following parts or sections is not subject to the debt limitation established by this section:

- (i) Title 63B, Chapter 6, Part 2, 1997 Highway General Obligation Bond Authorization;
- (ii) Title 63B, Chapter 6, Part 3, 1997 Highway Bond Anticipation Note Authorization;
- (iii) Title 63B, Chapter 7, Part 2, 1998 Highway General Obligation Bond Authorization;
- (iv) Title 63B, Chapter 7, Part 3, 1998 Highway Bond Anticipation Note Authorization;
- (v) Title 63B, Chapter 8, Part 2, 1999 Highway General Obligation Bond

Authorization;

(vi) Title 63B, Chapter 8, Part 3, 1999 Highway Bond Anticipation Note

Authorization;

(vii) Title 63B, Chapter 9, Part 2, 2000 Highway General Obligation Bond;

(viii) Title 63B, Chapter 10, Part 1, 2001 Highway General Obligation Bond;

(ix) Title 63B, Chapter 10, Part 2, 2001 Highway General Obligation Bond

Anticipation Notes Authorization;

(x) Title 63B, Chapter 11, Part 5, 2002 Highway General Obligation Bond for Salt Lake County;

(xi) Title 63B, Chapter 11, Part 6, 2002 Highway General Obligation Bond

Anticipation Notes for Salt Lake County Authorization;

(xii) Section 63B-13-102;

(xiii) Section 63B-16-101;

(xiv) Section 63B-16-102;

(xv) Section 63B-18-401; and

(xvi) Section 63B-18-402.

(2) This section does not apply if contractual rights will be impaired.

Amended by Chapter 241, 2009 General Session

Amended by Chapter 275, 2009 General Session

63J-4-101. Title.

This chapter is known as the "Governor's Office of Management and Budget."

Amended by Chapter 310, 2013 General Session

63J-4-102. Definitions.

As used in this chapter:

(1) "Committee" means the Resource Development Coordinating Committee created by this chapter.

(2) "Executive director" means the chief administrative officer of the Governor's Office of Management and Budget appointed as provided in this chapter.

(3) "Office" means the Governor's Office of Management and Budget created by this chapter.

(4) "Political subdivision" means a county, municipality, local district, special service district, school district, interlocal cooperation agreement entity, or any administrative subunit of them.

(5) "State planning coordinator" means the person appointed as planning coordinator as provided in this chapter.

Amended by Chapter 310, 2013 General Session

63J-4-201. Creation.

There is created within the governor's office the Governor's Office of Management and Budget to be administered by an executive director.

Amended by Chapter 310, 2013 General Session

63J-4-202. Appointment of executive director, state planning coordinator, and inspector general of Medicaid Services.

- (1) (a) The governor shall appoint, to serve at the governor's pleasure:
- (i) an executive director of the Governor's Office of Management and Budget;
 - and
 - (ii) a state planning coordinator.
- (b) The state planning coordinator is considered part of the office for purposes of administration.
- (2) The governor shall establish the executive director's salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

Amended by Chapter 12, 2013 General Session

Amended by Chapter 310, 2013 General Session

63J-4-301. Duties of the executive director and office.

- (1) The executive director and the office shall:
- (a) comply with the procedures and requirements of Title 63J, Chapter 1, Budgetary Procedures Act;
 - (b) under the direct supervision of the governor, assist the governor in the preparation of the governor's budget recommendations;
 - (c) advise the governor with regard to approval or revision of agency work programs as specified in Section 63J-1-209;
 - (d) establish benchmarking practices for measuring operational costs, quality of service, and effectiveness across all state agencies and programs;
 - (e) assist agencies with the development of an operational plan that uses continuous improvement tools and operational metrics to increase statewide capacity and improve interagency integration;
 - (f) review and assess agency budget requests and expenditures using a clear set of goals and measures;
 - (g) develop and maintain enterprise portfolio and electronic information systems to select and oversee the execution of projects, ensure a return on investment, and trace and report performance metrics; and
 - (h) perform other duties and responsibilities as assigned by the governor.
- (2) (a) The executive director of the Governor's Office of Management and Budget or the executive director's designee is the Federal Assistance Management Officer.
- (b) In acting as the Federal Assistance Management Officer, the executive director or designee shall:
 - (i) study the administration and effect of federal assistance programs in the state and advise the governor and the Legislature, through the Office of Legislative Fiscal Analyst and the Executive Appropriations Committee, of alternative recommended methods and procedures for the administration of these programs;

(ii) assist in the coordination of federal assistance programs that involve or are administered by more than one state agency; and

(iii) analyze and advise on applications for new federal assistance programs submitted to the governor for approval as required by Chapter 5, Federal Funds Procedures.

Amended by Chapter 310, 2013 General Session

63J-4-401. Planning duties of the planning coordinator and office.

(1) The state planning coordinator shall:

(a) act as the governor's adviser on state, regional, metropolitan, and local governmental planning matters relating to public improvements and land use;

(b) counsel with the authorized representatives of the Department of Transportation, the State Building Board, the Department of Health, the Department of Workforce Services, the Labor Commission, the Department of Natural Resources, the School and Institutional Trust Lands Administration, and other proper persons concerning all state planning matters;

(c) when designated to do so by the governor, receive funds made available to Utah by the federal government;

(d) receive and review plans of the various state agencies and political subdivisions relating to public improvements and programs;

(e) when conflicts occur between the plans and proposals of state agencies, prepare specific recommendations for the resolution of the conflicts and submit the recommendations to the governor for a decision resolving the conflict;

(f) when conflicts occur between the plans and proposals of a state agency and a political subdivision or between two or more political subdivisions, advise these entities of the conflict and make specific recommendations for the resolution of the conflict;

(g) act as the governor's planning agent in planning public improvements and land use and, in this capacity, undertake special studies and investigations;

(h) provide information and cooperate with the Legislature or any of its committees in conducting planning studies;

(i) cooperate and exchange information with federal agencies and local, metropolitan, or regional agencies as necessary to assist with federal, state, regional, metropolitan, and local programs;

(j) make recommendations to the governor that the planning coordinator considers advisable for the proper development and coordination of plans for state government and political subdivisions; and

(k) oversee and supervise the activities and duties of the public lands policy coordinator.

(2) The state planning coordinator may:

(a) perform regional and state planning and assist state government planning agencies in performing state planning;

(b) provide planning assistance to Indian tribes regarding planning for Indian reservations; and

(c) assist city, county, metropolitan, and regional planning agencies in performing local, metropolitan, and regional planning, provided that the state planning coordinator and the state planning coordinator's agents and designees recognize and promote the plans, policies, programs, processes, and desired outcomes of each planning agency whenever possible.

(3) When preparing or assisting in the preparation of plans, policies, programs, or processes related to the management or use of federal lands or natural resources on federal lands in Utah, the state planning coordinator shall:

(a) incorporate the plans, policies, programs, processes, and desired outcomes of the counties where the federal lands or natural resources are located, to the maximum extent consistent with state and federal law, provided that this requirement shall not be interpreted to infringe upon the authority of the governor;

(b) identify inconsistencies or conflicts between the plans, policies, programs, processes, and desired outcomes prepared under Subsection (3)(a) and the plans, programs, processes, and desired outcomes of local government as early in the preparation process as possible, and seek resolution of the inconsistencies through meetings or other conflict resolution mechanisms involving the necessary and immediate parties to the inconsistency or conflict;

(c) present to the governor the nature and scope of any inconsistency or other conflict that is not resolved under the procedures in Subsection (3)(b) for the governor's decision about the position of the state concerning the inconsistency or conflict;

(d) develop, research, and use factual information, legal analysis, and statements of desired future condition for the state, or subregion of the state, as necessary to support the plans, policies, programs, processes, and desired outcomes of the state and the counties where the federal lands or natural resources are located;

(e) establish and coordinate agreements between the state and federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to facilitate state and local participation in the development, revision, and implementation of land use plans, guidelines, regulations, other instructional memoranda, or similar documents proposed or promulgated for lands and natural resources administered by federal agencies; and

(f) work in conjunction with political subdivisions to establish agreements with federal land management agencies, federal natural resource management agencies, and federal natural resource regulatory agencies to provide a process for state and local participation in the preparation of, or coordinated state and local response to, environmental impact analysis documents and similar documents prepared pursuant to law by state or federal agencies.

(4) The state planning coordinator shall comply with the requirements of Subsection 63C-4a-203(8) before submitting any comments on a draft environmental impact statement or on an environmental assessment for a proposed land management plan, if the governor would be subject to Subsection 63C-4a-203(8) if the governor were submitting the material.

(5) The state planning coordinator shall cooperate with and work in conjunction with appropriate state agencies and political subdivisions to develop policies, plans, programs, processes, and desired outcomes authorized by this section by coordinating

the development of positions:

- (a) through the Resource Development Coordinating Committee;
- (b) in conjunction with local government officials concerning general local government plans;

- (c) by soliciting public comment through the Resource Development Coordinating Committee; and

- (d) by working with the Public Lands Policy Coordinating Office.

(6) The state planning coordinator shall recognize and promote the following principles when preparing any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

- (a) (i) the citizens of the state are best served by applying multiple-use and sustained-yield principles in public land use planning and management; and

- (ii) multiple-use and sustained-yield management means that federal agencies should develop and implement management plans and make other resource-use decisions that:

- (A) achieve and maintain in perpetuity a high-level annual or regular periodic output of mineral and various renewable resources from public lands;

- (B) support valid existing transportation, mineral, and grazing privileges at the highest reasonably sustainable levels;

- (C) support the specific plans, programs, processes, and policies of state agencies and local governments;

- (D) are designed to produce and provide the desired vegetation for the watersheds, timber, food, fiber, livestock forage, and wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion without permanent impairment of the productivity of the land;

- (E) meet the recreational needs and the personal and business-related transportation needs of the citizens of the state by providing access throughout the state;

- (F) meet the recreational needs of the citizens of the state;

- (G) meet the needs of wildlife;

- (H) provide for the preservation of cultural resources, both historical and archaeological;

- (I) meet the needs of economic development;

- (J) meet the needs of community development; and

- (K) provide for the protection of water rights;

- (b) managing public lands for "wilderness characteristics" circumvents the statutory wilderness process and is inconsistent with the multiple-use and sustained-yield management standard that applies to all Bureau of Land Management and U.S. Forest Service lands that are not wilderness areas or wilderness study areas;

- (c) all waters of the state are:

- (i) owned exclusively by the state in trust for its citizens;

- (ii) are subject to appropriation for beneficial use; and

- (iii) are essential to the future prosperity of the state and the quality of life within the state;

(d) the state has the right to develop and use its entitlement to interstate rivers;
(e) all water rights desired by the federal government must be obtained through the state water appropriation system;

(f) land management and resource-use decisions which affect federal lands should give priority to and support the purposes of the compact between the state and the United States related to school and institutional trust lands;

(g) development of the solid, fluid, and gaseous mineral resources of the state is an important part of the economy of the state, and of local regions within the state;

(h) the state should foster and support industries that take advantage of the state's outstanding opportunities for outdoor recreation;

(i) wildlife constitutes an important resource and provides recreational and economic opportunities for the state's citizens;

(j) proper stewardship of the land and natural resources is necessary to ensure the health of the watersheds, timber, forage, and wildlife resources to provide for a continuous supply of resources for the people of the state and the people of the local communities who depend on these resources for a sustainable economy;

(k) forests, rangelands, timber, and other vegetative resources:

(i) provide forage for livestock;

(ii) provide forage and habitat for wildlife;

(iii) provide resources for the state's timber and logging industries;

(iv) contribute to the state's economic stability and growth; and

(v) are important for a wide variety of recreational pursuits;

(l) management programs and initiatives that improve watersheds, forests, and increase forage for the mutual benefit of wildlife species and livestock, logging, and other agricultural industries by utilizing proven techniques and tools are vital to the state's economy and the quality of life in Utah; and

(m) (i) land management plans, programs, and initiatives should provide that the amount of domestic livestock forage, expressed in animal unit months, for permitted, active use as well as the wildlife forage included in that amount, be no less than the maximum number of animal unit months sustainable by range conditions in grazing allotments and districts, based on an on-the-ground and scientific analysis;

(ii) the state opposes the relinquishment or retirement of grazing animal unit months in favor of conservation, wildlife, and other uses;

(iii) (A) the state favors the best management practices that are jointly sponsored by cattlemen's, sportsmen's, and wildlife management groups such as chaining, logging, seeding, burning, and other direct soil and vegetation prescriptions that are demonstrated to restore forest and rangeland health, increase forage, and improve watersheds in grazing districts and allotments for the mutual benefit of domestic livestock and wildlife;

(B) when practices described in Subsection (6)(m)(iii)(A) increase a grazing allotment's forage beyond the total permitted forage use that was allocated to that allotment in the last federal land use plan or allotment management plan still in existence as of January 1, 2005, a reasonable and fair portion of the increase in forage beyond the previously allocated total permitted use should be allocated to wildlife as recommended by a joint, evenly balanced committee of livestock and wildlife

representatives that is appointed and constituted by the governor for that purpose;

(C) the state favors quickly and effectively adjusting wildlife population goals and population census numbers in response to variations in the amount of available forage caused by drought or other climatic adjustments, and state agencies responsible for managing wildlife population goals and population census numbers will give due regard to both the needs of the livestock industry and the need to prevent the decline of species to a point where listing under the terms of the Endangered Species Act when making such adjustments;

(iv) the state opposes the transfer of grazing animal unit months to wildlife for supposed reasons of rangeland health;

(v) reductions in domestic livestock animal unit months must be temporary and scientifically based upon rangeland conditions;

(vi) policies, plans, programs, initiatives, resource management plans, and forest plans may not allow the placement of grazing animal unit months in a suspended use category unless there is a rational and scientific determination that the condition of the rangeland allotment or district in question will not sustain the animal unit months sought to be placed in suspended use;

(vii) any grazing animal unit months that are placed in a suspended use category should be returned to active use when range conditions improve;

(viii) policies, plans, programs, and initiatives related to vegetation management should recognize and uphold the preference for domestic grazing over alternate forage uses in established grazing districts while upholding management practices that optimize and expand forage for grazing and wildlife in conjunction with state wildlife management plans and programs in order to provide maximum available forage for all uses; and

(ix) in established grazing districts, animal unit months that have been reduced due to rangeland health concerns should be restored to livestock when rangeland conditions improve, and should not be converted to wildlife use.

(7) The state planning coordinator shall recognize and promote the following findings in the preparation of any policies, plans, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands under this section:

(a) as a coholder of R.S. 2477 rights-of-way with the counties, the state supports its recognition by the federal government and the public use of R.S. 2477 rights-of-way and urges the federal government to fully recognize the rights-of-way and their use by the public as expeditiously as possible;

(b) it is the policy of the state to use reasonable administrative and legal measures to protect and preserve valid existing rights-of-way granted by Congress under R.S. 2477, and to support and work in conjunction with counties to redress cases where R.S. 2477 rights-of-way are not recognized or are impaired; and

(c) transportation and access routes to and across federal lands, including all rights-of-way vested under R.S. 2477, are vital to the state's economy and to the quality of life in the state, and must provide, at a minimum, a network of roads throughout the resource planning area that provides for:

(i) movement of people, goods, and services across public lands;

(ii) reasonable access to a broad range of resources and opportunities throughout the resource planning area, including:

- (A) livestock operations and improvements;
- (B) solid, fluid, and gaseous mineral operations;
- (C) recreational opportunities and operations, including motorized and nonmotorized recreation;
- (D) search and rescue needs;
- (E) public safety needs; and
- (F) access for transportation of wood products to market;

(iii) access to federal lands for people with disabilities and the elderly; and

(iv) access to state lands and school and institutional trust lands to accomplish the purposes of those lands.

(8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the

National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

(c) the state's support for designation of an Area of Critical Environmental Concern (ACEC), as defined in 43 U.S.C. Sec. 1702, within federal land management plans will be withheld until:

(i) it is clearly demonstrated that the proposed area satisfies all the definitional requirements of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1702(a);

(ii) it is clearly demonstrated that the area proposed for designation as an ACEC is limited in geographic size and that the proposed management prescriptions are limited in scope to the minimum necessary to specifically protect and prevent irreparable damage to the relevant and important values identified, or limited in geographic size and management prescriptions to the minimum required to specifically protect human life or safety from natural hazards;

(iii) it is clearly demonstrated that the proposed area is limited only to areas that are already developed or used or to areas where no development is required;

(iv) it is clearly demonstrated that the proposed area contains relevant and important historic, cultural or scenic values, fish or wildlife resources, or natural processes which are unique or substantially significant on a regional basis, or contain natural hazards which significantly threaten human life or safety;

(v) the federal agency has analyzed regional values, resources, processes, or hazards for irreparable damage and its potential causes resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and the analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;

(vi) it is clearly demonstrated that the proposed designation is consistent with the plans and policies of the state and of the county where the proposed designation is located as those plans and policies are developed according to Subsection (3);

(vii) it is clearly demonstrated that the proposed ACEC designation will not be applied redundantly over existing protections provided by other state and federal laws for federal lands or resources on federal lands, and that the federal statutory requirement for special management attention for a proposed ACEC will discuss and justify any management requirements needed in addition to those specified by the other state and federal laws;

(viii) the difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;

(ix) it is clearly demonstrated that the proposed designation:

(A) is not a substitute for a wilderness suitability recommendation;

(B) is not a substitute for managing areas inventoried for wilderness characteristics after 1993 under the BLM interim management plan for valid wilderness study areas; and

(C) it is not an excuse or justification to apply de facto wilderness management standards; and

(x) the conclusions of all studies are submitted to the state, as a cooperating agency, for review, and the results, in support of or in opposition to, are included in all planning documents;

(d) sufficient federal lands are made available for government-to-government exchanges of school and institutional trust lands and federal lands without regard for a resource-to-resource correspondence between the surface or mineral characteristics of the offered trust lands and the offered federal lands;

(e) federal agencies should support government-to-government exchanges of land with the state based on a fair process of valuation which meets the fiduciary obligations of both the state and federal governments toward trust lands management, and which assures that revenue authorized by federal statute to the state from mineral or timber production, present or future, is not diminished in any manner during valuation, negotiation, or implementation processes;

(f) agricultural and grazing lands should continue to produce the food and fiber needed by the citizens of the state and the nation, and the rural character and open landscape of rural Utah should be preserved through a healthy and active agricultural and grazing industry, consistent with private property rights and state fiduciary duties;

(g) the resources of the forests and rangelands of the state should be integrated as part of viable, robust, and sustainable state and local economies, and available forage should be evaluated for the full complement of herbivores the rangelands can

support in a sustainable manner, and forests should contain a diversity of timber species, and disease or insect infestations in forests should be controlled using logging or other best management practices;

(h) the state opposes any additional evaluation of national forest service lands as "roadless" or "unroaded" beyond the forest service's second roadless area review evaluation and opposes efforts by agencies to specially manage those areas in a way that:

(i) closes or declassifies existing roads unless multiple side by side roads exist running to the same destination and state and local governments consent to close or declassify the extra roads;

(ii) permanently bars travel on existing roads;

(iii) excludes or diminishes traditional multiple-use activities, including grazing and proper forest harvesting;

(iv) interferes with the enjoyment and use of valid, existing rights, including water rights, local transportation plan rights, R.S. 2477 rights, grazing allotment rights, and mineral leasing rights; or

(v) prohibits development of additional roads reasonably necessary to pursue traditional multiple-use activities;

(i) the state's support for any forest plan revision or amendment will be withheld until the appropriate plan revision or plan amendment clearly demonstrates that:

(i) established roads are not referred to as unclassified roads or a similar classification;

(ii) lands in the vicinity of established roads are managed under the multiple-use, sustained-yield management standard; and

(iii) no roadless or unroaded evaluations or inventories are recognized or upheld beyond those that were recognized or upheld in the forest service's second roadless area review evaluation;

(j) the state's support for any recommendations made under the statutory requirement to examine the wilderness option during the revision of land and resource management plans by the U.S. Forest Service will be withheld until it is clearly demonstrated that:

(i) the duly adopted transportation plans of the state and county or counties within the planning area are fully and completely incorporated into the baseline inventory of information from which plan provisions are derived;

(ii) valid state or local roads and rights-of-way are recognized and not impaired in any way by the recommendations;

(iii) the development of mineral resources by underground mining is not affected by the recommendations;

(iv) the need for additional administrative or public roads necessary for the full use of the various multiple-uses, including recreation, mineral exploration and development, forest health activities, and grazing operations is not unduly affected by the recommendations;

(v) analysis and full disclosure is made concerning the balance of multiple-use management in the proposed areas, and that the analysis compares the full benefit of multiple-use management to the recreational, forest health, and economic needs of the

state and the counties to the benefits of the requirements of wilderness management; and

(vi) the conclusions of all studies related to the requirement to examine the wilderness option are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals that are forwarded to the United States Congress;

(k) the invasion of noxious weeds and undesirable invasive plant species into the state should be reversed, their presence eliminated, and their return prevented;

(l) management and resource-use decisions by federal land management and regulatory agencies concerning the vegetative resources within the state should reflect serious consideration of the proper optimization of the yield of water within the watersheds of the state;

(m) (i) it is the policy of the state that:

(A) mineral and energy production and environmental protection are not mutually exclusive;

(B) it is technically feasible to permit appropriate access to mineral and energy resources while preserving nonmineral and nonenergy resources;

(C) resource management planning should seriously consider all available mineral and energy resources;

(D) the development of the solid, fluid, and gaseous mineral resources of the state and the renewable resources of the state should be encouraged;

(E) the waste of fluid and gaseous minerals within developed areas should be prohibited; and

(F) requirements to mitigate or reclaim mineral development projects should be based on credible evidence of significant impacts to natural or cultural resources;

(ii) the state's support for mineral development provisions within federal land management plans will be withheld until the appropriate land management plan environmental impact statement clearly demonstrates:

(A) that the authorized planning agency has:

(I) considered and evaluated the mineral and energy potential in all areas of the planning area as if the areas were open to mineral development under standard lease agreements; and

(II) evaluated any management plan prescription for its impact on the area's baseline mineral and energy potential;

(B) that the development provisions do not unduly restrict access to public lands for energy exploration and development;

(C) that the authorized planning agency has supported any closure of additional areas to mineral leasing and development or any increase of acres subject to no surface occupancy restrictions by adhering to:

(I) the relevant provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(II) other controlling mineral development laws; and

(III) the controlling withdrawal and reporting procedures set forth in the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.;

(D) that the authorized planning agency evaluated whether to repeal any moratorium that may exist on the issuance of additional mining patents and oil and gas leases;

(E) that the authorized planning agency analyzed all proposed mineral lease stipulations and considered adopting the least restrictive necessary to protect against damage to other significant resource values;

(F) that the authorized planning agency evaluated mineral lease restrictions to determine whether to waive, modify, or make exceptions to the restrictions on the basis that they are no longer necessary or effective;

(G) that the authorized federal agency analyzed all areas proposed for no surface occupancy restrictions, and that the analysis evaluated:

(I) whether directional drilling is economically feasible and ecologically necessary for each proposed no surface occupancy area;

(II) whether the directional drilling feasibility analysis, or analysis of other management prescriptions, demonstrates that the proposed no surface occupancy prescription, in effect, sterilizes the mineral and energy resources beneath the area; and

(III) whether, if the minerals are effectively sterilized, the area must be reported as withdrawn under the provisions of the Federal Land Policy and Management Act; and

(H) that the authorized planning agency has evaluated all directional drilling requirements in no surface occupancy areas to determine whether directional drilling is feasible from an economic, ecological, and engineering standpoint;

(n) motorized, human, and animal-powered outdoor recreation should be integrated into a fair and balanced allocation of resources within the historical and cultural framework of multiple-uses in rural Utah, and outdoor recreation should be supported as part of a balanced plan of state and local economic support and growth;

(o) off-highway vehicles should be used responsibly, the management of off-highway vehicles should be uniform across all jurisdictions, and laws related to the use of off-highway vehicles should be uniformly applied across all jurisdictions;

(p) (i) rights-of-way granted and vested under the provisions of R.S. 2477 should be preserved and acknowledged;

(ii) land use management plans, programs, and initiatives should be consistent with both state and county transportation plans developed according to Subsection (3) in order to provide a network of roads throughout the planning area that provides for:

(A) movement of people, goods, and services across public lands;

(B) reasonable access to a broad range of resources and opportunities throughout the planning area, including access to livestock, water, and minerals;

(C) economic and business needs;

(D) public safety;

(E) search and rescue;

(F) access for people with disabilities and the elderly;

(G) access to state lands; and

(H) recreational opportunities;

(q) transportation and access provisions for all other existing routes, roads, and

trails across federal, state, and school trust lands within the state should be determined and identified, and agreements should be executed and implemented, as necessary to fully authorize and determine responsibility for maintenance of all routes, roads, and trails;

(r) the reasonable development of new routes and trails for motorized, human, and animal-powered recreation should be implemented;

(s) (i) forests, rangelands, and watersheds, in a healthy condition, are necessary and beneficial for wildlife, livestock grazing, and other multiple-uses;

(ii) management programs and initiatives that are implemented to increase forage for the mutual benefit of the agricultural industry, livestock operations, and wildlife species should utilize all proven techniques and tools;

(iii) the continued viability of livestock operations and the livestock industry should be supported on the federal lands within the state by management of the lands and forage resources, by the proper optimization of animal unit months for livestock, in accordance with the multiple-use provisions of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq., the provisions of the Taylor Grazing Act of 1934, 43 U.S.C. 315 et seq., and the provisions of the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1901 et seq.;

(iv) provisions for predator control initiatives or programs under the direction of state and local authorities should be implemented; and

(v) resource-use and management decisions by federal land management and regulatory agencies should support state-sponsored initiatives or programs designed to stabilize wildlife populations that may be experiencing a scientifically demonstrated decline in those populations; and

(t) management and resource use decisions by federal land management and regulatory agencies concerning the scenic resources of the state must balance the protection of scenery with the full management requirements of the other authorized uses of the land under multiple-use management, and should carefully consider using Visual Resource Management Class I protection only for areas of inventoried Class A scenery or equivalent.

(9) Notwithstanding any provision of Section 63J-8-105.5, the state is committed to establishing and administering an effective statewide conservation strategy for greater sage grouse.

(10) Nothing contained in this section may be construed to restrict or supersede the planning powers conferred upon state departments, agencies, instrumentalities, or advisory councils of the state or the planning powers conferred upon political subdivisions by any other existing law.

(11) Nothing in this section may be construed to affect any lands withdrawn from the public domain for military purposes, which are administered by the United States Army, Air Force, or Navy.

Amended by Chapter 101, 2013 General Session

63J-4-501. Creation.

There is created the Resource Development Coordinating Committee within the

Governor's Office of Management and Budget to:

- (1) assist the state planning coordinator in fulfilling the responsibilities of reviewing and coordinating technical and policy actions that may affect the physical resources of the state; and
- (2) facilitate the exchange of information on those actions among state agencies and other levels of government.

Amended by Chapter 310, 2013 General Session

63J-4-502. Membership -- Terms -- Chair -- Expenses.

(1) The Resource Development Coordinating Committee shall consist of the following 25 members:

- (a) the state science advisor;
- (b) a representative from the Department of Agriculture and Food appointed by the executive director;
- (c) a representative from the Department of Heritage and Arts appointed by the executive director;
- (d) a representative from the Department of Environmental Quality appointed by the executive director;
- (e) a representative from the Department of Natural Resources appointed by the executive director;
- (f) a representative from the Department of Transportation appointed by the executive director;
- (g) a representative from the Governor's Office of Economic Development appointed by the director;
- (h) a representative from the Housing and Community Development Division appointed by the director;
- (i) a representative from the Division of State History appointed by the director;
- (j) a representative from the Division of Air Quality appointed by the director;
- (k) a representative from the Division of Drinking Water appointed by the director;
- (l) a representative from the Division of Environmental Response and Remediation appointed by the director;
- (m) a representative from the Division of Radiation appointed by the director;
- (n) a representative from the Division of Solid and Hazardous Waste appointed by the director;
- (o) a representative from the Division of Water Quality appointed by the director;
- (p) a representative from the Division of Oil, Gas, and Mining appointed by the director;
- (q) a representative from the Division of Parks and Recreation appointed by the director;
- (r) a representative from the Division of Forestry, Fire, and State Lands appointed by the director;
- (s) a representative from the Utah Geological Survey appointed by the director;

- (t) a representative from the Division of Water Resources appointed by the director;
 - (u) a representative from the Division of Water Rights appointed by the director;
 - (v) a representative from the Division of Wildlife Resources appointed by the director;
 - (w) a representative from the School and Institutional Trust Lands Administration appointed by the director;
 - (x) a representative from the Division of Facilities Construction and Management appointed by the director; and
 - (y) a representative from the Division of Emergency Management appointed by the director.
- (2) (a) As particular issues require, the committee may, by majority vote of the members present, and with the concurrence of the state planning coordinator, appoint additional temporary members to serve as ex officio voting members.
- (b) Those ex officio members may discuss and vote on the issue or issues for which they were appointed.
- (3) A chair shall be selected by a majority vote of committee members with the concurrence of the state planning coordinator.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
- (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 212, 2012 General Session

63J-4-503. Planning coordinator responsibilities.

- (1) The state planning coordinator shall:
 - (a) administer this part;
 - (b) subject to the direction and approval of the governor, take necessary action for its implementation; and
 - (c) inform political subdivision representatives, in advance, of all committee meetings.
- (2) The state planning coordinator may delegate the state planning coordinator's responsibilities under this part to the Public Lands Policy Coordinating Office.

Amended by Chapter 121, 2009 General Session

63J-4-504. Duties.

- (1) The committee shall assist the state planning coordinator:
 - (a) in the review of:
 - (i) proposed state actions affecting physical resources;
 - (ii) federal and federally assisted actions for which state review is provided by

federal law, regulation, or policy; and

(iii) proposed federal regulations and policies pertaining to natural resource issues; and

(b) in the development and implementation of a procedure that will expedite the review of proposed energy and industrial facilities that require permits to be issued by more than one state agency.

(2) The state planning coordinator shall review and forward the comments and recommendations of the committee to:

(a) the governor;

(b) the initiating state agency, in the case of a proposed state action; and

(c) the Office of Legislative Research and General Counsel.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-4-505. Powers of state agencies and local governments not limited.

This part does not limit powers conferred upon state departments, agencies, or instrumentalities of the state or political subdivisions by existing law.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-4-601. Definitions.

As used in this part:

(1) "Coordinator" means the public lands policy coordinator appointed in this part.

(2) "Office" means the Public Lands Policy Coordinating Office created by this part.

(3) "Political subdivision" means a county, municipality, local district, special service district, school district, interlocal cooperation agreement entity, or any administrative subunit of them.

(4) "State planning coordinator" means the person appointed under Subsection 63J-4-202(1)(a)(ii).

Amended by Chapter 121, 2009 General Session

63J-4-602. Public Lands Policy Coordinating Office -- Coordinator -- Appointment -- Qualifications -- Compensation.

(1) There is created within state government the Public Lands Policy Coordinating Office. The office shall be administered by a public lands policy coordinator.

(2) The coordinator shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor.

(3) The coordinator shall have demonstrated the necessary administrative and professional ability through education and experience to efficiently and effectively manage the office's affairs.

(4) The coordinator and employees of the office shall receive compensation as

provided in Title 67, Chapter 19, Utah State Personnel Management Act.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-4-603. Powers and duties of coordinator and office.

- (1) The coordinator and the office shall:
 - (a) make a report to the Constitutional Defense Council created under Section 63C-4a-202 concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter 4a, Constitutional and Federalism Defense Act;
 - (b) provide staff assistance to the Constitutional Defense Council created under Section 63C-4a-202 for meetings of the council;
 - (c) (i) prepare and submit a constitutional defense plan under Section 63C-4a-403; and
 - (ii) execute any action assigned in a constitutional defense plan;
 - (d) under the direction of the state planning coordinator, assist in fulfilling the state planning coordinator's duties outlined in Section 63J-4-401 as those duties relate to the development of public lands policies by:
 - (i) developing cooperative contracts and agreements between the state, political subdivisions, and agencies of the federal government for involvement in the development of public lands policies;
 - (ii) producing research, documents, maps, studies, analysis, or other information that supports the state's participation in the development of public lands policy;
 - (iii) preparing comments to ensure that the positions of the state and political subdivisions are considered in the development of public lands policy;
 - (iv) partnering with state agencies and political subdivisions in an effort to:
 - (A) prepare coordinated public lands policies;
 - (B) develop consistency reviews and responses to public lands policies;
 - (C) develop management plans that relate to public lands policies; and
 - (D) develop and maintain a statewide land use plan that is based on cooperation and in conjunction with political subdivisions; and
 - (v) providing other information or services related to public lands policies as requested by the state planning coordinator;
 - (e) facilitate and coordinate the exchange of information, comments, and recommendations on public lands policies between and among:
 - (i) state agencies;
 - (ii) political subdivisions;
 - (iii) the Office of Rural Development created under Section 63M-1-1602;
 - (iv) the Resource Development Coordinating Committee created under Section 63J-4-501;
 - (v) School and Institutional Trust Lands Administration created under Section 53C-1-201;
 - (vi) the committee created under Section 63F-1-508 to award grants to counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other features; and

- (vii) the Constitutional Defense Council created under Section 63C-4a-202;
 - (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9, Chapter 8, Part 4, Historic Sites;
 - (g) consistent with other statutory duties, encourage agencies to responsibly preserve archaeological resources;
 - (h) maintain information concerning grants made under Subsection (1)(j), if available;
 - (i) report annually, or more often if necessary or requested, concerning the office's activities and expenditures to:
 - (i) the Constitutional Defense Council; and
 - (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee jointly with the Constitutional Defense Council;
 - (j) make grants of up to 16% of the office's total annual appropriations from the Constitutional Defense Restricted Account to a county or statewide association of counties to be used by the county or association of counties for public lands matters if the coordinator, with the advice of the Constitutional Defense Council, determines that the action provides a state benefit;
 - (k) provide staff services to the Snake Valley Aquifer Advisory Council created in Section 63C-12-103;
 - (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section 63C-12-107; and
 - (m) conduct the public lands transfer study and economic analysis required by Section 63J-4-606.
- (2) The coordinator and office shall comply with Subsection 63C-4a-203(8) before submitting a comment to a federal agency, if the governor would be subject to Subsection 63C-4a-203(8) if the governor were submitting the material.
- (3) The office may enter into a contract or other agreement with another state agency to provide information and services related to:
- (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and Classification Act;
 - (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and Classification Act, or R.S. 2477 matters; or
 - (c) any other matter within the office's responsibility.

Amended by Chapter 101, 2013 General Session
Amended by Chapter 337, 2013 General Session

63J-4-606. Public lands transfer study and economic analysis -- Report.

- (1) As used in this section:
 - (a) "Public lands" is as defined in Section 63L-6-102.
 - (b) "Transfer of public lands" means the transfer of public lands from federal ownership to state ownership.
- (2) (a) The coordinator and the office shall:
 - (i) conduct a study and economic analysis of the ramifications and economic impacts of the transfer of public lands;

(ii) during the study and economic analysis, consult with county representatives on an ongoing basis regarding how to consider and incorporate county land use plans and planning processes into the analysis; and

(iii) on an ongoing basis, report on the progress and findings of the study to the Commission for the Stewardship of Public Lands.

(b) The study and economic analysis shall:

(i) inventory public lands;

(ii) examine public lands':

(A) ownership;

(B) management;

(C) jurisdiction;

(D) resource characteristics;

(E) federal management requirements related to national forests, national recreation areas, or other public lands administered by the United States; and

(F) current and potential future uses and ways that socioeconomic conditions are influenced by those uses;

(iii) determine:

(A) public lands' ongoing and deferred maintenance costs, revenue production, and funding sources;

(B) whether historical federal funding levels have been sufficient to manage, maintain, preserve, and restore public lands and whether that funding level is likely to continue;

(C) the amount of public lands revenue paid to state, county, and local governments and other recipients designated by law from payments in lieu of taxes, timber receipts, secure rural school receipts, severance taxes, and mineral lease royalties;

(D) historical trends of the revenue sources listed in Subsection (2)(b)(iii)(C);

(E) ways that the payments listed in Subsection (2)(b)(iii)(C) can be maintained or replaced following the transfer of public lands; and

(F) ways that, following the transfer of public lands, revenue from public lands can be increased while mitigating environmental impact;

(iv) identify:

(A) existing oil and gas, mining, grazing, hunting, fishing, recreation, and other rights and interests on public lands;

(B) the economic impact of those rights and interests on state, county, and local economies;

(C) actions necessary to secure, preserve, and protect those rights and interests; and

(D) how those rights and interests may be affected in the event the federal government does not complete the transfer of public lands;

(v) evaluate the impact of federal land ownership on:

(A) the Utah School and Institutional Trust Lands Administration's ability to administer trust lands for the benefit of Utah schoolchildren;

(B) the state's ability to fund education; and

(C) state and local government tax bases;

- (vi) identify a process for the state to:
 - (A) transfer and receive title to public lands from the United States;
 - (B) utilize state agencies with jurisdiction over land, natural resources, environmental quality, and water to facilitate the transfer of public lands;
 - (C) create a permanent state framework to oversee the transfer of public lands;
 - (D) transition to state ownership and management of public lands using existing state and local government resources; and
 - (E) indemnify political subdivisions of the state for actions taken in connection with the transfer of public lands;
- (vii) examine ways that multiple use of public lands through tourism and outdoor recreation contributes to:
 - (A) the economic growth of state and local economies; and
 - (B) the quality of life of Utah citizens;
- (viii) using theoretical modeling of various levels of land transfer, usage, and development, evaluate the potential economic impact of the transfer of public lands on state, county, and local governments; and
- (ix) recommend the optimal use of public lands following the transfer of public lands.

(3) The coordinator and office shall:
(a) on an ongoing basis, discuss issues related to the transfer of public lands with:

- (i) the School and Institutional Trust Lands Administration;
- (ii) local governments;
- (iii) water managers;
- (iv) environmental advocates;
- (v) outdoor recreation advocates;
- (vi) nonconventional and renewable energy producers;
- (vii) tourism representatives;
- (viii) wilderness advocates;
- (ix) ranchers and agriculture advocates;
- (x) oil, gas, and mining producers;
- (xi) fishing, hunting, and other wildlife interests;
- (xii) timber producers;
- (xiii) other interested parties; and
- (xiv) the Commission for the Stewardship of Public Lands; and

(b) develop ways to obtain input from Utah citizens regarding the transfer of public lands and the future care and use of public lands.

(4) The coordinator may contract with another state agency or private entity to assist the coordinator and office with the study and economic analysis required by Subsection (2)(a).

(5) The coordinator shall submit a final report on the study and economic analysis described in Subsection (2)(a), including proposed legislation and recommendations, to the governor, the Natural Resources, Agriculture, and Environment Interim Committee, and the Commission for the Stewardship of Public Lands before November 30, 2014.

Amended by Chapter 319, 2014 General Session

63J-5-101. Title.

This chapter is known as the "Federal Funds Procedures Act."

Enacted by Chapter 382, 2008 General Session

63J-5-102. Definitions.

(1) As used in this chapter:

(a) (i) "Agency" means a department, division, committee, commission, council, court, or other administrative subunit of the state.

(ii) "Agency" includes executive branch entities and judicial branch entities.

(iii) "Agency" does not mean higher education institutions or political subdivisions.

(b) (i) "Federal funds" means cash or other money received from the United States government or from other individuals or entities for or on behalf of the United States and deposited with the state treasurer or any agency of the state.

(ii) "Federal funds" includes federal assistance and federal assistance programs, however described.

(iii) "Federal funds" does not include money received from the United States government to reimburse the state for money expended by the state.

(c) "Federal funds reauthorization" means:

(i) the formal submission from an agency to the federal government applying for or seeking reauthorization of federal funds which the state is currently receiving;

(ii) the formal submission from an agency to the federal government applying for or seeking reauthorization to participate in a federal program in which the state is currently participating that will result in federal funds being transferred to an agency; or

(iii) that period after the first year of a previously authorized and awarded grant or funding award, during which federal funds are disbursed or are scheduled to be disbursed after the first year because the term of the grant or financial award extends for more than one year.

(d) "Federal funds request summary" means a document detailing:

(i) the amount of money that is being requested or is available to be received by the state from the federal government for each federal funds reauthorization or new federal funds request;

(ii) those federal funds reauthorizations and new federal funds requests that are included as part of the agency's proposed budget for the fiscal year, and the amount of those requests;

(iii) the amount of new state money, if any, that will be required to receive the federal funds or participate in the federal program;

(iv) the number of additional permanent full-time employees, additional permanent part-time employees, or combination of additional permanent full-time employees and additional permanent part-time employees, if any, that the state estimates are needed in order to receive the federal funds or participate in the federal

program; and

(v) any requirements that the state must meet as a condition for receiving the federal funds or participating in the federal program.

(e) "Federal maintenance of effort requirements" means any matching, level of effort, or earmarking requirements, as defined in Office of Management and Budget Circular A-133, Compliance Requirement G, that are imposed on an agency as a condition of receiving federal funds.

(f) "New federal funds" means:

(i) federal assistance or other federal funds that are available from the federal government that:

(A) the state is not currently receiving; or

(B) exceed the federal funds amount previously approved by the Legislature by more than 25% for a federal grant or program in which the state is currently participating; or

(ii) a federal assistance program or other federal program in which the state is not currently participating.

(g) "New federal funds request" means the formal submission from an agency to the federal government:

(i) applying for or otherwise seeking to obtain new federal funds; or

(ii) applying for or seeking to participate in a new federal program that will result in federal funds being transferred to an agency.

(h) (i) "New state money" means money, whether specifically appropriated by the Legislature or not, that the federal government requires Utah to expend as a condition for receiving the federal funds or participating in the federal program.

(ii) "New state money" includes money expended to meet federal maintenance of effort requirements.

(i) "Pass-through federal funds" means federal funds provided to an agency that are distributed to local governments or private entities without being used by the agency.

(j) "State" means the state of Utah and all of its agencies, and any administrative subunits of those agencies.

(2) When this chapter describes an employee as a "permanent full-time employee" or a "permanent part-time employee," it is not intended to, and may not be construed to, affect the employee's status as an at-will employee.

Amended by Chapter 326, 2011 General Session

63J-5-103. Scope and applicability of chapter.

(1) Except as provided in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to each agency and govern each federal funds request.

(2) This chapter does not govern federal funds requests for:

(a) the Medical Assistance Program, commonly known as Medicaid;

(b) the Children's Health Insurance Program;

(c) the Women, Infant, and Children program;

- (d) the Temporary Assistance to Needy Families program;
 - (e) Social Security Act money;
 - (f) the Substance Abuse Prevention and Treatment program;
 - (g) Child Care and Development Block Grant;
 - (h) SNAP Administration and Training money;
 - (i) Unemployment Insurance Operations money;
 - (j) Federal Highway Administration money;
 - (k) the Utah National Guard; or
 - (l) pass-through federal funds.
- (3) The governor need not seek legislative review or approval of federal funds received by the state if:
- (a) the governor has declared a state of emergency; and
 - (b) the federal funds are received to assist victims of the state of emergency under Subsection 53-2a-204(1).

Amended by Chapter 295, 2013 General Session

63J-5-201. Legislative Appropriation Subcommittees to review certain federal funds reauthorizations -- Executive Appropriations review -- Legislative approval.

(1) The Governor's Office of Management and Budget shall annually prepare and submit a federal funds request summary for each agency to the Legislative Fiscal Analyst at the same time the governor submits the confidential draft budget under Section 63J-1-201.

(2) (a) The Legislative Fiscal Analyst, as directed by the Executive Appropriations Committee, may include federal funds in the base budget appropriations act or acts, when those acts are prepared as provided in JR3-2-402.

(b) The Legislative Fiscal Analyst shall submit a federal funds request summary for each agency to the legislative appropriations subcommittee responsible for that agency's budget for review during each annual general session.

(3) Each legislative appropriations subcommittee shall review the federal funds request summary and may:

(a) recommend that the agency accept the federal funds or participate in the federal program for the fiscal year under consideration; or

(b) recommend that the agency not accept the federal funds or not participate in the federal program for the fiscal year under consideration.

(4) The Legislative Executive Appropriations Committee shall:

(a) review each subcommittee's recommendation;

(b) determine whether or not the agency should be authorized to accept the federal funds or participate in the federal program; and

(c) direct the Legislative Fiscal Analyst to include or exclude those federal funds and federal programs in an annual appropriations act for approval by the Legislature.

(5) Legislative approval of an appropriations act containing federal funds constitutes legislative approval of the federal grants or awards associated with the federal funds for the purposes of compliance with the requirements of this chapter.

Amended by Chapter 310, 2013 General Session

63J-5-202. Governor to approve certain new federal funds requests.

(1) (a) Before obligating the state to accept or receive new federal funds or to participate in a new federal program, and no later than three months after submitting a new federal funds request, and, where possible, before formally submitting the new federal funds request, an executive branch agency shall submit a federal funds request summary to the governor or the governor's designee for approval or rejection when:

(i) the state will receive total payments of \$1,000,000 or less per year if the new federal funds request is approved;

(ii) receipt of the new federal funds will require no additional permanent full-time employees, permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and

(iii) no new state money will be required to match the new federal funds or to implement the new federal program for which the grant is issued.

(b) The Governor's Office of Management and Budget shall report each new federal funds request that is approved by the governor or the governor's designee and each new federal funds request granted by the federal government to:

(i) the Legislature's Executive Appropriations Committee;

(ii) the Office of the Legislative Fiscal Analyst; and

(iii) the Office of Legislative Research and General Counsel.

(2) The governor or the governor's designee shall approve or reject each new federal funds request submitted under the authority of this section.

(3) (a) If the governor or the governor's designee approves the new federal funds request, the executive branch agency may accept the new federal funds or participate in the new federal program.

(b) If the governor or the governor's designee rejects the new federal funds request, the executive branch agency may not accept the new federal funds or participate in the new federal program.

(4) If an executive branch agency fails to obtain the governor's or the governor's designee's approval under this section, the governor may require the agency to:

(a) withdraw the new federal funds request;

(b) return the federal funds;

(c) withdraw from the federal program; or

(d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

Amended by Chapter 310, 2013 General Session

63J-5-203. Judicial council to approve certain new federal funds requests.

(1) (a) Before obligating the state to accept or receive new federal funds or to participate in a new federal program, and no later than three months after submitting a new federal funds request, and, where possible, before formally submitting the new federal funds request, a judicial branch agency shall submit a federal funds request summary to the Judicial Council for its approval or rejection when:

(i) the state will receive total payments of \$1,000,000 or less per year if the new federal funds request is approved;

(ii) receipt of the new federal funds will require no additional permanent full-time employees, additional permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and

(iii) no new state money will be required to match the new federal funds or to implement the new federal program for which the grant is issued.

(b) The Judicial Council shall report each new federal funds request that is approved by it and each new federal funds request granted by the federal government to:

(i) the Legislature's Executive Appropriations Committee;

(ii) the Office of the Legislative Fiscal Analyst; and

(iii) the Office of Legislative Research and General Counsel.

(2) The Judicial Council shall approve or reject each new federal funds request submitted to it under the authority of this section.

(3) (a) If the Judicial Council approves the new federal funds request, the judicial branch agency may accept the new federal funds or participate in the new federal program.

(b) If the Judicial Council rejects the new federal funds request, the judicial branch agency may not accept the new federal funds or participate in the new federal program.

(4) If a judicial branch agency fails to obtain the Judicial Council's approval under this section, the Judicial Council may require the agency to:

(a) withdraw the new federal funds request;

(b) return the federal funds;

(c) withdraw from the federal program; or

(d) any combination of Subsections (4)(a), (4)(b), and (4)(c).

Renumbered and Amended by Chapter 382, 2008 General Session

63J-5-204. Legislative review and approval of certain federal funds requests.

(1) As used in this section:

(a) "High impact federal funds request" means a new federal funds request that will or could:

(i) result in the state receiving total payments of \$10,000,000 or more per year from the federal government;

(ii) require the state to add 11 or more permanent full-time employees, 11 or more permanent part-time employees, or combination of permanent full-time and permanent part-time employees equal to 11 or more in order to receive the new federal funds or participate in the new federal program; or

(iii) require the state to expend more than \$1,000,000 of new state money in a fiscal year in order to receive or administer the new federal funds or participate in the new federal program.

(b) "Medium impact federal funds request" means a new federal funds request

that will or could:

- (i) result in the state receiving total payments of more than \$1,000,000 but less than \$10,000,000 per year from the federal government;

- (ii) require the state to add more than zero but less than 11 permanent full-time employees, more than zero but less than 11 permanent part-time employees, or a combination of permanent full-time employees and permanent part-time employees equal to more than zero but less than 11 in order to receive or administer the new federal funds or participate in the new federal program; or

- (iii) require the state to expend \$1 to \$1,000,000 of new state money in a fiscal year in order to receive or administer the new federal funds or participate in the new federal program.

(2) (a) (i) Before obligating the state to accept or receive new federal funds or to participate in a new federal program under a medium impact federal funds request that was not authorized during a legislative session as provided in Section 63J-5-201, an agency shall:

- (A) submit the federal funds request summary to the governor or the Judicial Council, as appropriate, for approval or rejection; and

- (B) if the governor or Judicial Council approves the new federal funds request, submit the federal funds request summary to the Legislative Executive Appropriations Committee for its review and recommendations.

- (ii) The procedures required under Subsection (2)(a)(i) shall be performed, if possible, before the date that the medium impact funds request is formally submitted, but not later than three months after the date of formal submission.

(b) The Legislative Executive Appropriations Committee shall review the federal funds request summary and may:

- (i) recommend that the agency accept the new federal funds;

- (ii) recommend that the agency not accept the new federal funds; or

- (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the acceptance of the new federal funds.

(3) (a) (i) Before obligating the state to accept or receive new federal funds or to participate in a new federal program under a high impact federal funds request that was not authorized during a legislative session as provided in Section 63J-5-201, an agency shall:

- (A) submit the federal funds request summary to the governor or Judicial Council, as appropriate, for approval or rejection; and

- (B) if the governor or Judicial Council approves the new federal funds request, submit the federal funds request summary to the Legislature for its approval or rejection in an annual general session or a special session.

- (ii) The procedures required under Subsection (3)(a)(i) shall be performed, if possible, before the date that the high impact funds request is formally submitted, but not later than three months after the date of formal submission.

- (b) (i) If the Legislature approves the new federal funds request, the agency may accept the new federal funds or participate in the new federal program.

- (ii) If the Legislature fails to approve the new federal funds request, the agency may not accept the new federal funds or participate in the new federal program.

(4) If an agency fails to comply with the procedures of this section or fails to obtain the Legislature's approval:

(a) the governor or Judicial Council, as appropriate, may require the agency to withdraw the new federal funds request or refuse or return the new federal funds;

(b) the Legislature may, if federal law allows, opt out or decline to participate in the new federal program or decline to receive the new federal funds; or

(c) the Legislature may reduce the agency's General Fund appropriation in an amount less than, equal to, or greater than the amount of federal funds received by the agency.

Amended by Chapter 326, 2011 General Session

63J-5-205. Federal funds awards that exceed approved appropriations.

Each agency that receives federal funds greater than the amount approved through the process provided for in this chapter may, using those excess funds, expend up to 25% in excess of the of the amount approved if:

(1) receipt or use of the excess federal funds will not require the addition of one or more permanent full-time employees or permanent part-time employees;

(2) no new state money will be required to match the excess federal funds; and

(3) receipt or use of the excess federal funds will not require the state to comply with new requirements or conditions in order to receive the federal funds or to participate in the federal program.

Enacted by Chapter 326, 2011 General Session

63J-6-101. Title.

This chapter is known as the "Tax Anticipation Notes Act."

Enacted by Chapter 382, 2008 General Session

63J-6-201. Borrowing authorized -- Limitation -- Issuance of notes -- Maximum term.

The state treasurer may borrow money for the state in anticipation of (a) income or revenue from taxes, whether the taxes are specific, ad valorem, excise, sales, income, franchise, or fees for the current fiscal year, or that portion of the taxes not collected or previously anticipated at the time of borrowing, and (b) other non-tax revenues of the state, in a principal sum not greater than 75% of such income or revenue which the director of the Division of Finance certifies to the state treasurer are to be reasonably anticipated to be collected during the current fiscal year. Each loan shall be evidenced by the issuance and sale of tax and revenue anticipation notes of the state, for fixed periods not to exceed 12 months or the end of the current fiscal year, whichever is sooner.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-6-202. Issuance -- Financing plan required -- Contents -- Order setting terms of notes -- Recitations in notes -- Report of sales -- Disposition of proceeds.

(1) If the state treasurer considers it to be in the best interests of the state to issue tax and revenue anticipation notes under Section 63J-6-201, the state treasurer shall issue the notes in accordance with this chapter.

(2) (a) Prior to the issuance and sale of any tax or revenue anticipation note to other than a state fund or account, the state treasurer shall prepare a written plan of financing which shall be filed with the governor. The plan of financing shall provide for the terms and conditions under which the notes will be issued, sold, and delivered, the taxes or revenues to be anticipated, the maximum amount of notes which may be outstanding at any one time under the plan of financing, the sources of payment of the notes issued pursuant to the plan of financing, and all other details relating to the issuance, sale, and delivery of the notes. The sources of payment of the notes issued pursuant to the plan of financing may include the proceeds of sale of notes issued to refund outstanding tax or revenue anticipation notes and to pay accrued interest on them.

(b) The plan of financing shall specify the rates of interest, if any, on the notes or a method, formula, or index pursuant to which the interest rates on the notes may be determined during the time the notes are outstanding.

(c) The state treasurer may include in the plan of financing the terms and conditions of arrangements entered into by the state treasurer on behalf of the state with financial and other institutions for letters of credit, standby letters of credit, reimbursement agreements, and remarketing, indexing, and tender agent agreements to secure the tax anticipation notes, including payment from any legally available source of fees, charges, or other amounts coming due under the agreements entered into by the treasurer.

(3) The interest, form, manner of execution, payment, manner of sale, prices at, above, or below face value, and all details of issuance of the notes shall be set forth in an order of the state treasurer. The order and the details set forth in the order shall conform with any applicable plan of financing and with this chapter.

(4) Each note shall recite that it is a valid obligation of the state and that the faith and credit of the state are pledged for the payment of the principal of and interest on the note from the revenues of the fiscal year in which the note is issued in accordance with its terms and the constitution and laws of Utah.

(5) Immediately upon the completion of any sale, the state treasurer shall make a verified return of the sale to the state auditor, specifying the amount of notes sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale. Immediately upon the sale of any notes, the state treasurer shall credit the proceeds of sale, other than accrued interest, to the General Fund.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-6-203. Redemption account -- Creation -- Sources -- Use -- Investment -- Income.

(1) There is created a restricted account within the General Fund known as the "Tax and Revenue Anticipation Note Redemption Account." When any notes have been issued in anticipation of income or revenue under this chapter, not less than two days before the principal and interest on the notes comes due, income or revenue realized from the tax or nontax sources specified in the approved plan of financing to be anticipated or from any other source of money legally available for such purpose shall be placed in the restricted account so that the amount in the restricted account is sufficient to pay the principal amount of all notes outstanding, together with interest on them.

(2) The money in the restricted account is appropriated solely for the payment of the principal of and interest on the notes issued under this chapter. The payment of the principal and interest on the notes issued under this chapter is not limited solely to the income and revenues from the specific tax or nontax sources in anticipation of which the notes were issued. Accrued interest received upon the sale of the notes shall be deposited by the state treasurer in the restricted account.

(3) The state treasurer may invest all money in the restricted account in accordance with Title 51, Chapter 7, State Money Management Act, maturing at a time which will permit payment of the principal of and interest on the notes in a timely manner when due. The state treasurer may covenant with the purchasers of the notes as to the manner of holding money in the restricted account, the investment of money in the restricted account, and the disposition of any investment income therefrom by retaining investment income in the restricted account to be used to pay principal of and interest on notes when due or by paying the investment income to the state treasurer for deposit into the General Fund. If there is sufficient money in the restricted account to pay all principal of and interest on all outstanding notes payable therefrom, all investment income on it shall be paid to the state treasurer for deposit into the General Fund.

Amended by Chapter 278, 2010 General Session

63J-6-204. Expenses of notes paid from proceeds.

All expenses incident to the issuance of tax and revenue anticipation notes under this chapter shall be paid from the proceeds of sale of the notes credited to the General Fund.

Renumbered and Amended by Chapter 382, 2008 General Session

63J-7-101. Definitions.

(1) As used in this chapter:

(a) (i) "Agency" means a department, division, committee, commission, council, court, or other administrative subunit of the state.

(ii) "Agency" includes executive branch entities and judicial branch entities.

(iii) "Agency" does not mean higher education institutions or political subdivisions.

(b) (i) "Grant" means cash or other money donated to an agency by a grantor.

- (ii) "Grant" includes a reauthorization of an existing grant.
- (iii) "Grant" does not mean:
 - (A) money appropriated to an agency by the Legislature;
 - (B) money received from the United States government;
 - (C) money legally required to be paid to the state; or
 - (D) money legally required to be repaid by the state.
- (c) "Grantor" means the individual, group of individuals, foundation, corporation, or public or private organization making the grant.
- (d) "Grant reauthorization" means the formal submission from an agency to the grantor applying for reauthorization or seeking reauthorization of a grant.
- (e) "Grant summary" means a document detailing:
 - (i) the amount of money that is being requested or is available to be received by the agency from a grant;
 - (ii) the duration of the grant and provisions for its reauthorization or extension, if any;
 - (iii) the name of the grantor;
 - (iv) the purpose of the grant, including, in detail, any programs, resources, and positions required to be funded by the grant;
 - (v) any requirements that the agency must meet as a condition to receive or participate in the grant; and
 - (vi) the amount of state money, if any, that will be required in order to obtain the grant.
- (f) "New state money" means money, whether specifically appropriated by the Legislature or not, that the grantor requires Utah to expend as a condition for receiving the grant.
- (g) "State" means the state of Utah and all of its agencies, and any administrative subunits of those agencies.
- (2) When this chapter describes an employee as a "permanent full-time employee" or a "permanent part-time employee," it is not intended to, and may not be construed to, affect the employee's status as an at-will employee.

Enacted by Chapter 195, 2008 General Session

63J-7-102. Scope and applicability of chapter.

- (1) Except as provided in Subsection (2), and except as otherwise provided by a statute superseding provisions of this chapter by explicit reference to this chapter, the provisions of this chapter apply to each agency and govern each grant received on or after May 5, 2008.
- (2) This chapter does not govern:
 - (a) a grant deposited into a General Fund restricted account;
 - (b) a grant deposited into a Trust and Agency Fund as defined in Section 51-5-4;
 - (c) a grant deposited into an Enterprise Fund as defined in Section 51-5-4;
 - (d) a grant made to the state without a restriction or other designated purpose that is deposited into the General Fund as free revenue;

- (e) a grant made to the state that is restricted only to "education" and that is deposited into the Education Fund or Uniform School Fund as free revenue;
 - (f) in-kind donations;
 - (g) a tax, fees, penalty, fine, surcharge, money judgment, or other money due the state when required by state law or application of state law;
 - (h) a contribution made under Title 59, Chapter 10, Part 13, Individual Income Tax Contribution Act;
 - (i) a grant received by an agency from another agency or political subdivision;
 - (j) a grant to the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;
 - (k) a grant to the Utah Science Center Authority created in Title 63H, Chapter 3, Utah Science Center Authority;
 - (l) a grant to the Heber Valley Railroad Authority created in Title 63H, Chapter 4, Heber Valley Historic Railroad Authority;
 - (m) a grant to the Utah State Railroad Museum Authority created in Title 63H, Chapter 5, Utah State Railroad Museum Authority;
 - (n) a grant to the Utah Housing Corporation created in Title 35A, Chapter 8, Part 7, Utah Housing Corporation Act;
 - (o) a grant to the Utah State Fair Corporation created in Title 63H, Chapter 6, Utah State Fair Corporation Act;
 - (p) a grant to the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers' Compensation Fund;
 - (q) a grant to the Utah State Retirement Office created in Title 49, Chapter 11, Utah State Retirement Systems Administration;
 - (r) a grant to the School and Institutional Trust Lands Administration created in Title 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;
 - (s) a grant to the Utah Communications Authority created in Title 63H, Chapter 7, Utah Communications Authority Act;
 - (t) a grant to the Medical Education Program created in Section 53B-24-202;
 - (u) a grant to the Utah Capital Investment Corporation created in Title 63M, Chapter 1, Part 12, Utah Venture Capital Enhancement Act;
 - (v) a grant to the Utah Charter School Finance Authority created in Section 53A-20b-103;
 - (w) a grant to the State Building Ownership Authority created in Section 63B-1-304;
 - (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section 31A-29-104; or
 - (y) a grant to the Military Installation Development Authority created in Section 63H-1-201.
- (3) An agency need not seek legislative review or approval of grants under Part 2, Grant Approval Requirements, if:
- (a) the governor has declared a state of emergency; and
 - (b) the grant is donated to the agency to assist victims of the state of emergency under Subsection 53-2a-204(1).

Amended by Chapter 320, 2014 General Session

63J-7-201. Governor to approve certain grant requests.

(1) (a) Before obligating the state to accept or receive a grant, an executive branch agency shall submit a grant summary to the governor or the governor's designee for approval or rejection when:

(i) the executive branch agency would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;

(ii) receipt of the grant will require no additional permanent full-time employees, permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and

(iii) no new state money will be required to match the grant.

(b) The Governor's Office of Management and Budget shall report each grant authorized under this section to:

(i) the Legislature's Executive Appropriations Committee; and

(ii) the Office of the Legislative Fiscal Analyst.

(2) The governor or the governor's designee shall approve or reject each grant submitted under the authority of this section.

(3) (a) If the governor or the governor's designee approves the grant, the executive branch agency may accept the grant.

(b) If the governor or the governor's designee rejects the grant, the executive branch agency may not accept the grant.

(4) If an executive branch agency fails to obtain the governor's or the governor's designee's approval under this section, the governor may require the agency to return the grant.

Amended by Chapter 310, 2013 General Session

63J-7-202. Judicial council to approve certain grant requests.

(1) (a) Before obligating the state to accept or receive a grant, a judicial branch agency shall submit a grant summary to the Judicial Council for its approval or rejection when:

(i) the state would receive a grant of at least \$10,000 but no more than \$50,000 if the grant is approved;

(ii) receipt of the grant will require no additional permanent full-time employees, additional permanent part-time employees, or combination of additional permanent full-time employees and permanent part-time employees; and

(iii) no new state money will be required to match the grant.

(b) The Judicial Council shall report each grant authorized under this section to:

(i) the Legislature's Executive Appropriations Committee; and

(ii) the Office of the Legislative Fiscal Analyst.

(2) The Judicial Council shall approve or reject each grant submitted under the authority of this section.

(3) (a) If the Judicial Council approves the grant, the judicial branch agency may accept the grant.

(b) If the Judicial Council rejects the grant, the judicial branch agency may not accept the grant.

(4) If a judicial branch agency fails to obtain the Judicial Council's approval under this section, the Judicial Council may require the agency to return the grant.

Enacted by Chapter 195, 2008 General Session

63J-7-203. Legislative review and approval of certain grant requests.

(1) As used in this section:

(a) "High impact grant" means a grant that will or could:

(i) result in the state receiving total payments of \$1,000,000 or more per year from the grantor;

(ii) require the state to add 11 or more permanent full-time employees, 11 or more permanent part-time employees, or combination of permanent full-time employees and permanent part-time employees equal to 11 or more in order to receive the grant; or

(iii) require the state to expend more than \$1,000,000 of new state money in a fiscal year in order to receive or administer the grant.

(b) "Medium impact grant" means a grant that will or could:

(i) result in the state receiving total payments of more than \$50,000 but less than \$1,000,000 per year from the grantor;

(ii) require the state to add more than zero but less than 11 permanent full-time employees, more than zero but less than 11 permanent part-time employees, or a combination of permanent full-time employees and permanent part-time employees equal to more than zero but less than 11 in order to receive or administer the grant; or

(iii) require the state to expend \$1 to \$1,000,000 of new state money in a fiscal year in order to receive or administer the grant.

(2) (a) Before obligating the state to accept or receive a medium impact grant, and, where possible, before formally submitting a request for a medium impact grant to the grantor, an agency shall:

(i) submit the grant summary to the governor or the Judicial Council, as appropriate, for approval or rejection; and

(ii) if the governor or Judicial Council approves the grant, submit the grant summary to the Legislative Executive Appropriations Committee for its review and recommendations.

(b) The Legislative Executive Appropriations Committee shall review the grant summary and may:

(i) recommend that the agency accept the grant;

(ii) recommend that the agency not accept the grant; or

(iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the acceptance of the grant.

(3) (a) Before obligating the state to accept or receive a high impact grant, and, where possible, before formally submitting a request for a high impact grant to the grantor, an agency shall:

(i) submit the grant summary to the governor or Judicial Council, as appropriate,

for approval or rejection; and

(ii) if the governor or Judicial Council approves the grant, submit the grant summary to the Legislature for its approval or rejection in an annual general session or a special session.

(b) (i) If the Legislature approves the grant, the agency may accept the grant.

(ii) If the Legislature fails to approve the grant, the agency may not accept the grant.

(c) If an agency fails to obtain the Legislature's approval under this Subsection (3):

(i) the governor or Judicial Council, as appropriate, may require the agency to return the grant;

(ii) the Legislature may direct the agency to return the grant to the grantor; or

(iii) the Legislature may reduce the agency's appropriation in an amount less than, equal to, or greater than the amount of the grant received by the agency.

Enacted by Chapter 195, 2008 General Session

63J-8-101. Title.

This chapter is known as "State of Utah Resource Management Plan for Federal Lands."

Enacted by Chapter 49, 2011 General Session

63J-8-102. Definitions.

As used in this chapter:

(1) "ACEC" means an area of critical environmental concern as defined in 43 U.S.C. Sec. 1702.

(2) "AUM" means animal unit months, a unit of grazing forage.

(3) "BLM" means the United States Bureau of Land Management.

(4) "BLM recommended wilderness" means a wilderness study area recommended for wilderness designation in the final report of the president of the United States to the United States Congress in 1993.

(5) "Federal land use designation" means one or a combination of the following congressional or federal actions included in proposed congressional land use legislation:

(a) designation of wilderness within the National Wilderness Preservation System;

(b) designation of a national conservation area;

(c) designation of a watercourse within the National Wild and Scenic River System;

(d) designation of an ACEC;

(e) designation of a national monument in accordance with the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq. or by Congress;

(f) designation of a national park within the National Park System;

(g) designation of a national recreational area; or

(h) any other designation, classification, categorization, reservation, withdrawal, or similar action that has the purpose or effect of eliminating, restricting, or reducing energy and mineral development, motorized travel, grazing, active vegetation management, or any other traditional multiple use on public land.

(6) "FLPMA" means the Federal Land Policy and Management Act of 1976, 43 U.S.C. Sec. 1701 et seq.

(7) "Forest Service" means the United States Forest Service within the United States Department of Agriculture.

(8) "Green River Energy Zone" means the lands described as follows in Subsections (8)(a) and (b), as more fully illustrated in the maps prepared by the Carbon County and Emery County GIS Departments in February 2013, each entitled "2013 Green River Energy Zone":

(a) BLM and Forest Service lands in Carbon County that are situated in the following townships: Township 12S Range 6E, Township 12S Range 7E, Township 12S Range 8E, Township 12S Range 9E, Township 12S Range 10E, Township 12S Range 11E, Township 12S Range 12E, Township 12S Range 13E, Township 12S Range 14E, Township 12S Range 15E, Township 12S Range 16E, Township 12S Range 17E, Township 12S Range 18E, Township 13S Range 6E, Township 13S Range 8E, Township 13S Range 9E, Township 13S Range 10E, Township 13S Range 11E, Township 13S Range 12E, Township 13S Range 13E, Township 13S Range 14E, Township 13S Range 15E, Township 13S Range 16E, Township 13S Range 17E, Township 14S Range 6E, Township 14S Range 8E, Township 14S Range 9E, Township 14S Range 11E, Township 14S Range 12E, Township 14S Range 13E, Township 14S Range 14E, Township 14S Range 15E, Township 14S Range 16E, Township 14S Range 17E, Township 15S Range 7E, Township 15S Range 8E, Township 15S Range 9E, Township 15S Range 10E, Township 15S Range 11E, Township 15S Range 12E, Township 15S Range 13E, Township 15S Range 14E, Township 15S Range 15E, and Township 15S Range 16E; and

(b) BLM and Forest Service lands in Emery County, excluding any areas that are or may be designated as wilderness, national conservation areas, or wild or scenic rivers, that are situated in the following townships and represented in the Emery County Public Land Management Act DRAFT Map prepared by Emery County and available at emerycounty.com/publiclands/LANDS-USE-15.pdf: Township 13S Range 6E, Township 14S Range 6E, Township 14S Range 7E, Township 15S Range 6E, Township 15S Range 7E, Township 16S Range 6E, Township 16S Range 7E, Township 16S Range 8E, Township 16S Range 9E, Township 16S Range 10E, Township 16S Range 11E, Township 16S Range 12E, Township 16S Range 13E, Township 16S Range 14E, Township 16S Range 15E, Township 17S Range 6E, Township 17S Range 7E, Township 17S Range 8E, Township 17S Range 9E, Township 17S Range 10E, Township 17S Range 11E, Township 17S Range 12E, Township 17S Range 13E, Township 17S Range 14E, Township 17S Range 15E, Township 18S Range 6E, Township 18S Range 7E, Township 18S Range 8E, Township 18S Range 9E, Township 18S Range 10E, Township 18S Range 11E, Township 18S Range 12E, Township 18S Range 13E, Township 18S Range 14E, Township 18S Range 15E, Township 19S Range 6E, Township 19S Range 7E,

Township 19S Range 8E, Township 19S Range 9E, Township 19S Range 10E, Township 19S Range 11E, Township 19S Range 12E, Township 19S Range 13E, Township 19S Range 14E, Township 19S Range 15E, Township 20S Range 6E, Township 20S Range 7E, Township 20S Range 8E, Township 20S Range 9E, Township 20S Range 10E, Township 20S Range 11E, Township 20S Range 12E, Township 20S Range 13E, Township 20S Range 14E, Township 20S Range 15E, Township 20S Range 16E, Township 21S Range 6E, Township 21S Range 7E, Township 21S Range 8E, Township 21S Range 9E, Township 21S Range 14E, Township 21S Range 15E, Township 21S Range 16E, Township 22S Range 6E, Township 22S Range 7E, Township 22S Range 8E, Township 22S Range 9E, Township 22S Range 14E, Township 22S Range 15E, Township 22S Range 16E, Township 23S Range 6E, Township 23S Range 7E, Township 23S Range 8E, Township 23S Range 9E, Township 23S Range 13E, Township 23S Range 14E, Township 23S Range 15E, Township 23S Range 16E, Township 24S Range 6E, Township 24S Range 7E, Township 24S Range 8E, Township 24S Range 12E, Township 24S Range 13E, Township 24S Range 14E, Township 24S Range 15E, Township 24S Range 16E, Township 24S Range 17E, Township 25S Range 6E, Township 25S Range 7E, Township 25S Range 8E, Township 25S Range 11E, Township 25S Range 12E, Township 25S Range 13E, Township 25S Range 14E, Township 25S Range 15E, Township 25S Range 16E, Township 25S Range 17E, Township 26S Range 6E, Township 26S Range 7E, Township 26S Range 8E, Township 26S Range 9E, Township 26S Range 10E, Township 26S Range 11E, Township 26S Range 12E, Township 26S Range 13E, Township 26S Range 14E, Township 26S Range 15E, Township 26S Range 16E, and Township 26S Range 17E.

(9) "Multiple use" means proper stewardship of the subject lands pursuant to Section 103(c) of FLPMA, 43 U.S.C. Sec. 1702(c).

(10) "National conservation area" means an area designated by Congress and managed by the BLM.

(11) "National wild and scenic river" means a watercourse:

(a) identified in a BLM or Forest Service planning process; or

(b) designated as part of the National Wild and Scenic River System.

(12) "National Wild and Scenic River System" means the National Wild and Scenic River System established in 16 U.S.C. Sec. 1271 et seq.

(13) "Office" means the Public Lands Policy Coordinating Office created in Section 63J-4-602.

(14) "OHV" means off-highway vehicle as defined in Section 41-22-2.

(15) "Proposed congressional land use legislation" means a draft or a working document of congressional legislation prepared by a person that includes a federal land use designation.

(16) "RARE II" means the second United States Forest Service Roadless Area Review and Evaluation report of 1984.

(17) "R.S. 2477 right-of-way" means a right-of-way established in accordance with 43 U.S.C. Sec. 932 repealed by FLPMA 1976.

(18) "Settlement Agreement" means the written agreement between the state and the Department of the Interior in 2003 (revised in 2005) that resolved the case of

State of Utah v. Gale Norton, Secretary of Interior (United States District Court, D. Utah, Case No. 2:96cv0870).

(19) "SITLA" means the School and Institutional Trust Lands Administration as created in Section 53C-1-201.

(20) (a) "Subject lands" means the following non-WSA BLM lands:

(i) in Beaver County:

(A) Mountain Home Range South, Jackson Wash, The Toad, North Wah Wah Mountains, Central Wah Wah Mountains, and San Francisco Mountains according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) White Rock Range, South Wah Wah Mountains, and Granite Peak according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ii) in Box Elder County: Little Goose Creek, Grouse Creek Mountains North, Grouse Creek Mountains South, Bald Eagle Mountain, Central Pilot Range, Pilot Peak, Crater Island West, Crater Island East, Newfoundland Mountains, and Grassy Mountains North according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(iii) in Carbon County: Desbrough Canyon and Turtle Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(iv) in Daggett County: Goslin Mountain, Home Mountain, Red Creek Badlands, O-wi-yu-kuts, Lower Flaming Gorge, Crouse Canyon, and Diamond Breaks according to the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(v) in Duchesne County: Desbrough Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(vi) in Emery County:

(A) San Rafael River and Sweetwater Reef, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Flat Tops according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(C) Price River, Lost Spring Wash, Eagle Canyon, Upper Muddy Creek, Molen Reef, Rock Canyon, Mussentuchit Badland, and Muddy Creek, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(vii) in Garfield County:

(A) Pole Canyon, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dirty Devil, Fiddler Butte, Little Rockies, Cane Spring Desert, and Cane Spring Desert Adjacents, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Lampstand, Wide Hollow, Steep Creek, Brinkerhof Flats, Little Valley Canyon, Death Hollow, Studhorse Peaks, Box Canyon, Heaps Canyon, North Escalante Canyon, Colt Mesa, East of Bryce, Slopes of Canaan Peak, Horse Spring Canyon, Muley Twist Flank, Pioneer Mesa, Slopes of Bryce, Blue Hills, Mud Springs Canyon, Carcass Canyon, Willis Creek North, Kodachrome Basin, and Kodachrome Headlands, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Notom Bench, Mount Ellen, Bull Mountain, Dogwater Creek, Ragged Mountain, Mount Pennell, Mount Hillers, Bullfrog Creek, and Long Canyon, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(viii) in Iron County: Needle Mountains, Steamboat Mountain, Broken Ridge, Paradise Mountains, Crook Canyon, Hamlin, North Peaks, Mount Escalante, and Antelope Ridge, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ix) in Juab County: Deep Creek Mountains, Essex Canyon, Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Fish Springs Ridge, Thomas Range, Drum Mountains, Dugway Mountains, Keg Mountains West, Keg Mountains East, Lion Peak, and Rockwell Little Sahara, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(x) in Kane County:

(A) Willis Creek North, Willis Creek, Kodachrome Badlands, Mud Springs

Canyon, Carcass Canyon, Scorpion, Bryce Boot, Paria-Hackberry Canyons, Fiftymile Canyon, Hurricane Wash, Upper Kanab Creek, Timber Mountain, Nephi Point, Paradise Canyon, Wahweap Burning Hills, Fiftymile Bench, Forty Mile Gulch, Sooner Bench 1, 2, & 3, Rock Cove, Warm Bench, Andalex Not, Vermillion Cliffs, Ladder Canyon, The Cockscomb, Nipple Bench, Moquith Mountain, Bunting Point, Glass Eye Canyon, and Pine Hollow, according to the region map entitled "Grand Staircase Escalante" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) Orderville Canyon, Jolley Gulch, and Parunuweap Canyon, according to the region map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xi) in Millard County: Kern Mountains, Wild Horse Pass, Disappointment Hills, Granite Mountain, Middle Mountains, Tule Valley, Swasey Mountain, Little Drum Mountains North, Little Drum Mountains South, Drum Mountains, Snake Valley, Coyote Knoll, Howell Peak, Tule Valley South, Ledger Canyon, Chalk Knolls, Orr Ridge, Notch View, Bullgrass Knoll, Notch Peak, Barn Hills, Cricket Mountains, Burbank Pass, Middle Burbank Hills, King Top, Barn Hills, Red Tops, Middle Burbank Hills, Juniper, Painted Rock Mountain, Black Hills, Tunnel Springs, Red Canyon, Sand Ridge, Little Sage Valley, Cat Canyon, Headlight Mountain, Black Hills, Mountain Range Home North, Tweedy Wash, North Wah Wah Mountains, Jackson Wash, and San Francisco Mountains, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xii) in Piute County: Kingston Ridge, Rocky Ford, and Phonolite Hill, according to the region map entitled "Great Basin South" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xiii) in San Juan County:

(A) Horseshoe Point, Deadhorse Cliffs, Gooseneck, Demon's Playground, Hatch Canyon, Lockhart Basin, Indian Creek, Hart's Point, Butler Wash, Bridger Jack Mesa, and Shay Mountain, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Dark Canyon, Copper Point, Fortknocker Canyon, White Canyon, The Needle, Red Rock Plateau, Upper Red Canyon, and Tuwa Canyon, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Hunters Canyon, Behind the Rocks, Mill Creek, and Coyote Wash, according to the region map entitled "Moab/La Sal" linked at the webpage entitled

"Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Hammond Canyon, Allen Canyon, Mancos Jim Butte, Arch Canyon, Monument Canyon, Tin Cup Mesa, Cross Canyon, Nokai Dome, Grand Gulch, Fish and Owl Creek Canyons, Comb Ridge, Road Canyon, The Tabernacle, Lime Creek, San Juan River, and Valley of the Gods, according to the region map entitled "San Juan" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xiv) in Sevier County: Rock Canyon, Mussentuchit Badland, Limestone Cliffs, and Jones' Bench, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xv) in Tooele County:

(A) Silver Island Mountains, Crater Island East, Grassy Mountains North, Grassy Mountains South, Stansbury Island, Cedar Mountains North, Cedar Mountains Central, Cedar Mountains South, North Stansbury Mountains, Oquirrh Mountains, and Big Hollow, according to the region map entitled "Great Basin North" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness under the National Defense Authorization Act for Fiscal Year 2006; and

(B) Ochre Mountain, Deep Creek Mountains, Dugway Mountains, Indian Peaks, and Lion Peak, according to the region map entitled "Great Basin Central" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvi) in Uintah County:

(A) White River, Lower Bitter Creek, Sunday School Canyon, Dragon Canyon, Wolf Point, Winter Ridge, Seep Canyon, Bitter Creek, Hideout Canyon, Sweetwater Canyon, and Hell's Hole, according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(B) Lower Flaming Gorge, Crouse Canyon Stone Bridge Draw, Diamond Mountain, Wild Mountain, Split Mountain Benches, Vivas Cake Hill, Split Mountain Benches South, Beach Draw, Stuntz Draw, Moonshine Draw, Bourdette Draw, and Bull Canyon, according to the region map entitled "Dinosaur" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(xvii) in Washington County: Cougar Canyon, Docs Pass, Slaughter Creek, Butcher Knife Canyon, Square Top, Scarecrow Creek, Beaver Dam Wash, Beaver Dam

Mountains North, Beaver Dam Mountains South, Joshua Tree, Beaver Dam Wilderness Expansion, Red Mountain, Cottonwood Canyon, Taylor Canyon, LaVerkin Creek, Beartrap Canyon, Deep Creek, Black Ridge, Red Butte, Kolob Creek, Goose Creek, Dry Creek, Zion National Park Adjacents, Crater Hill, The Watchman, and Canaan Mountain, according to the region map entitled "Zion/Mohave" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011, excluding the areas that Congress designated as wilderness and conservation areas under the Omnibus Public Lands Management Act of 2009; and

(xviii) in Wayne County:

(A) Sweetwater Reef, Upper Horseshoe Canyon, and Labyrinth Canyon, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(B) Flat Tops and Dirty Devil, according to the region map entitled "Glen Canyon," which is available by clicking the link entitled "Dirty Devil" at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(C) Fremont Gorge, Pleasant Creek Bench, Notom Bench, Mount Ellen, and Bull Mountain, according to the region map entitled "Henry Mountains" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(D) Capital Reef Adjacents, Muddy Creek, Wild Horse Mesa, North Blue Flats, Red Desert, and Factory Butte, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://www.protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

(b) "Subject lands" also includes all BLM and Forest Service lands in the state that are not Wilderness Area or Wilderness Study Areas;

(c) "Subject lands" does not include the following lands that are the subject of consideration for a possible federal lands bill and should be managed according to the 2008 Price BLM Field Office Resource Management Plan until a federal lands bill provides otherwise:

(i) Turtle Canyon and Desolation Canyon according to the region map entitled "Book Cliffs" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011;

(ii) Labyrinth Canyon, Duma Point, and Horseshoe Point, according to the region map entitled "Canyonlands Basin" linked in the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011; and

(iii) Devil's Canyon, Sid's Mountain, Mexican Mountain, San Rafael Reef, Hondu

Country, Cedar Mountain, and Wild Horse, according to the region map entitled "San Rafael Swell" linked at the webpage entitled "Citizen's Proposal for Wilderness in Utah" at <http://protectwildutah.org/proposal/index.html> as the webpage existed on February 17, 2011.

(21) "Uintah Basin Energy Zone" means BLM and Forest Service lands situated in the following townships in Daggett, Duchesne, and Uintah counties, as more fully illustrated in the map prepared by the Uintah County GIS Department in February 2012 entitled "Uintah Basin Utah Energy Zone":

(a) in Daggett County, Township 3N Range 17 E, Township 3N Range 18E, Township 3N Range 19E, Township 3N Range 20E, Township 3N Range 22E, Township 3N Range 23E, Township 3N Range 24E, Township 3N Range 25E, Township 2N Range 17E, Township 2N Range 18E, Township 2N Range 19E, Township 2N Range 20E, Township 2N Range 21E, and Township 2S Range 25E;

(b) in Duchesne County, Township 3N Range 4W, Township 3N Range 3W, Township 3N Range 2W, Township 3N Range 1W, Township 2N Range 6W, Township 2N Range 5W, Township 2N Range 4W, Township 2N Range 3W, Township 2N Range 1W, Township 1N Range 9W, Township 1N Range 8W, Township 1N Range 7W, Township 1N Range 6W, Township 1S Range 9W, Township 1S Range 8W, Township 4S Range 9W, Township 4S Range 3W, Township 4S Range 2W, Township 4S Range 1W, Township 8S Range 15E, Township 8S Range 16E, Township 8S Range 17E, Township 5S Range 9W, Township 5S Range 3W, Township 9S Range 15E, Township 9S Range 16E, Township 9S Range 17E, Township 6S Range 9W, Township 6S Range 8W, Township 6S Range 7W, Township 6S Range 6W, Township 6S Range 5W, Township 6S Range 3W, Township 10S Range 15E, Township 10S Range 16E, Township 10S Range 17E, Township 7S Range 9W, Township 7S Range 8W, Township 7S Range 7W, Township 7S Range 6W, Township 7S Range 5W, Township 7S Range 4W, Township 10S Range 11E, Township 10S Range 12E, Township 10S Range 13E, Township 10S Range 14E, Township 10S Range 15E, Township 10S Range 16E, Township 10S Range 17E, Township 11S Range 10E, Township 11S Range 11E, Township 11S Range 12E, Township 11S Range 13E, Township 11S Range 14E, Township 11S Range 15E, Township 11S Range 16E, and Township 11S Range 17E; and

(c) in Uintah County: Township 2S Range 18E, Township 2S Range 19E, Township 2S Range 20E, Township 2S Range 21E, Township 2S Range 22E, Township 2S Range 23E, Township 2S Range 24E, Township 2N Range 1W, Township 2N Range 1E, Township 2N Range 2E, Township 3S Range 18E, Township 3S Range 19E, Township 3S Range 20E, Township 3S Range 21E, Township 3S Range 22E, Township 3S Range 23E, Township 3S Range 24E, Township 4S Range 19E, Township 4S Range 20E, Township 4S Range 21E, Township 4S Range 22E, Township 4S Range 23E, Township 4S Range 24E, Township 4S Range 25E, Township 5S Range 19E, Township 5S Range 20E, Township 5S Range 21E, Township 5S Range 22E, Township 5S Range 23E, Township 5S Range 24E, Township 5S Range 25E, Township 6S Range 19E, Township 6S Range 20E, Township 6S Range 21E, Township 6S Range 22E, Township 6S Range 23E, Township 6S Range 24E, Township 6S Range 25E, Township 7S Range 19E,

Township 7S Range 20E, Township 7S Range 21E, Township 7S Range 22E, Township 7S Range 23E, Township 7S Range 24E, Township 7S Range 25E, Township 8S Range 17E, Township 8S Range 18E, Township 8S Range 19E, Township 8S Range 20E, Township 8S Range 21E, Township 8S Range 22E, Township 8S Range 23E, Township 8S Range 24E, Township 8S Range 25E, Township 9S Range 17E, Township 9S Range 18E, Township 9S Range 19E, Township 9S Range 20E, Township 9S Range 21E, Township 9S Range 22E, Township 9S Range 23E, Township 9S Range 24E, Township 9S Range 25E, Township 10S Range 17E, Township 10S Range 18E, Township 10S Range 19E, Township 10S Range 20E, Township 10S Range 21E, Township 10S Range 22E, Township 10S Range 23E, Township 10S Range 24E, Township 10S Range 25E, Township 11S Range 17E, Township 11S Range 18E, Township 11S Range 19E, Township 11S Range 20E, Township 11S Range 21E, Township 11S Range 22E, Township 11S Range 23E, Township 11S Range 24E, Township 11S Range 25E, Township 12S Range 20E, Township 12S Range 21E, Township 12S Range 22E, Township 12S Range 23E, Township 12S Range 24E, Township 12S Range 25E, Township 13S Range 20E, Township 13S Range 21E, Township 13S Range 22E, Township 13S Range 23E, Township 13S Range 24E, Township 13S Range 25E, Township 13S Range 26 E, Township 14S Range 21E, Township 14S Range 22E, Township 14S Range 23E, Township 14S Range 24E, Township 14S Range 25E, and Township 14S Range 26E.

(22) "Wilderness" is as defined in 16 U.S.C. Sec. 1131.

(23) "Wilderness area" means those BLM and Forest Service lands added to the National Wilderness Preservation System by an act of Congress.

(24) "Wilderness Preservation System" means the Wilderness Preservation System established in 16 U.S.C. Sec. 1131 et seq.

(25) "WSA" and "Wilderness Study Area" mean the BLM lands in Utah that were identified as having the necessary wilderness character and were classified as wilderness study areas during the BLM wilderness review conducted between 1976 and 1993 by authority of 43 U.S.C. Sec. 1782 and labeled as Wilderness Study Areas within the final report of the President of the United States to the United States Congress in 1993.

Amended by Chapter 321, 2014 General Session

63J-8-103. State participation in managing public lands.

In view of the requirement in FLPMA, 43 U.S.C. Sec. 1712, that BLM must work through a planning process that is coordinated with other federal, state, and local planning efforts before making decisions about the present and future uses of public lands, the requirement in FLPMA, 43 U.S.C. Sec. 1714 that BLM may not withdraw or otherwise designate BLM lands for specific purposes without congressional approval, and the requirement in the Forest Service Multiple-Use Sustained Yield Act of 1960, 16 U.S.C. Sec. 528, that lands within the national forests be managed according to the principles of multiple use, and in view of the right which FLPMA, the National Environmental Policy Act, 42 U.S.C. Sec. 4321 et seq. and the Federal Advisory

Committee Act, 5 U.S.C. Appendix 2, give to state and local governments to participate in all BLM and Forest Service efforts to plan for the responsible use of BLM and Forest Service lands and the requirement that BLM and the Forest Service coordinate planning efforts with those of state and local government, the state adopts the following policy for the management of the subject lands:

(1) Pursuant to the proper allocation of governmental authority between the several states and the federal government, the implementation of congressional acts concerning the subject lands must recognize the concurrent jurisdiction of the states and accord full recognition to state interpretation of congressional acts, as reflected in state law, plans, programs, and policies, insofar as the interpretation does not violate the Supremacy Clause, U.S. Constitution, Article VI, Clause 2.

(2) Differences of opinion between the state's plans and policies on use of the subject lands and any proposed decision concerning the subject lands pursuant to federal planning or other federal decision making processes should be mutually resolved between the authorized federal official, including federal officials from other federal agencies advising the authorized federal official in any capacity, and the governor of Utah.

(3) The subject lands managed by the BLM are to be managed to the basic standard of the prevention of undue and unnecessary degradation of the lands, as required by FLPMA. A more restrictive management standard should not apply except through duly adopted statutory or regulatory processes wherein each specific area is evaluated pursuant to the provisions of the BLM's planning process and those of the National Environmental Policy Act.

(4) The subject lands should not be segregated into separate geographical areas for management that resembles the management of wilderness, wilderness study areas, wildlands, lands with wilderness characteristics, or the like.

(5) The BLM and the Forest Service should make plans for the use of the subject lands and resources subject to their management pursuant to statutorily authorized processes, with due regard for the provisions of the National Environmental Policy Act, by:

(a) recognizing that the duly adopted Resource Management Plan or Forest Service equivalent is the fundamental planning document, which may be revised or amended from time to time;

(b) avoiding and eliminating any form of guidance or policy that has the effect of prescreening, segregating, or imposing any form of management requirements upon any of the subject lands and resources prior to any of the planning processes subject to Subsection (5)(a); and

(c) avoiding and eliminating all forms of planning that parallel or duplicate the planning processes subject to Subsection (5)(a).

Enacted by Chapter 49, 2011 General Session

63J-8-104. State land use planning and management program.

(1) The BLM and Forest Service land use plans should produce planning documents consistent with state and local land use plans to the maximum extent

consistent with federal law and FLPMA's purposes, by incorporating the state's land use planning and management program for the subject lands that is as follows:

(a) preserve traditional multiple use and sustained yield management on the subject lands to:

(i) achieve and maintain in perpetuity a high-level annual or regular periodic output of agricultural, mineral, and various other resources from the subject lands;

(ii) support valid existing transportation, mineral, and grazing privileges in the subject lands at the highest reasonably sustainable levels;

(iii) produce and maintain the desired vegetation for watersheds, timber, food, fiber, livestock forage, wildlife forage, and minerals that are necessary to meet present needs and future economic growth and community expansion in each county where the subject lands are situated without permanent impairment of the productivity of the land;

(iv) meet the recreational needs and the personal and business-related transportation needs of the citizens of each county where the subject lands are situated by providing access throughout each such county;

(v) meet the needs of wildlife, provided that the respective forage needs of wildlife and livestock are balanced according to the provisions of Subsection 63J-4-401(6)(m);

(vi) protect against adverse effects to historic properties, as defined by 36 C.F.R. Sec. 800;

(vii) meet the needs of community economic growth and development;

(viii) provide for the protection of existing water rights and the reasonable development of additional water rights; and

(ix) provide for reasonable and responsible development of electrical transmission and energy pipeline infrastructure on the subject lands;

(b) (i) do not designate, establish, manage, or treat any of the subject lands as an area with management prescriptions that parallel, duplicate, or resemble the management prescriptions established for wilderness areas or wilderness study areas, including the nonimpairment standard applicable to WSAs or anything that parallels, duplicates, or resembles that nonimpairment standard; and

(ii) recognize, follow, and apply the agreement between the state and the Department of the Interior in the settlement agreement;

(c) call upon the BLM to revoke and revise BLM Manuals H 6301, H 6302, and H 6303, issued on or about February 25, 2011, in light of the settlement agreement and the following principles of this state plan:

(i) BLM lacks congressional authority to manage subject lands, other than WSAs, as if they are or may become wilderness;

(ii) BLM lacks authority to designate geographic areas as lands with wilderness characteristics or designate management prescriptions for such areas other than to use specific geographic-based tools and prescriptions expressly identified in FLPMA;

(iii) BLM lacks authority to manage the subject lands in any manner other than to prevent unnecessary or undue degradation, unless the BLM uses geographic tools expressly identified in FLPMA and does so pursuant to a duly adopted provision of a resource management plan adopted under FLPMA, 43 U.S.C. Sec. 1712;

(iv) BLM inventories for the presence of wilderness characteristics must be

closely coordinated with inventories for those characteristics conducted by state and local governments, and should reflect a consensus among those governmental agencies about the existence of wilderness characteristics, as follows:

(A) any inventory of wilderness characteristics should reflect all of the criteria identified in the Wilderness Act of 1964, including:

(I) a size of 5,000 acres or more, containing no visible roads; and

(II) the presence of naturalness, the opportunity for primitive and unconfined recreation, and the opportunity for solitude;

(B) geographic areas found to contain the presence of naturalness must appear pristine to the average viewer, and not contain any of the implements, artifacts, or effects of human presence, including:

(I) visible roads, whether maintained or not; and

(II) human-made features such as vehicle bridges, fire breaks, fisheries, enhancement facilities, fire rings, historic mining and other properties, including tailings piles, commercial radio and communication repeater sites, fencing, spring developments, linear disturbances, stock ponds, visible drill pads, pipeline and transmission line rights-of-way, and other similar features;

(C) factors, such as the following, though not necessarily conclusive, should weigh against a determination that a land area has the presence of naturalness:

(I) the area is or once was the subject of mining and drilling activities;

(II) mineral and hard rock mining leases exist in the area; and

(III) the area is in a grazing district with active grazing allotments and visible range improvements;

(D) geographic areas found to contain the presence of solitude should convey the sense of solitude within the entire geographic area identified, otherwise boundary adjustments should be performed in accordance with Subsection (1)(c)(iv)(F);

(E) geographic areas found to contain the presence of an opportunity for primitive and unconfined recreation must find these features within the entire area and provide analysis about the effect of the number of visitors to the geographic area upon the presence of primitive or unconfined recreation, otherwise boundary adjustments should be performed in accordance with Subsection (1)(c)(iv)(F);

(F) in addition to the actions required by the review for roads pursuant to the definitions of roads contained in BLM Manual H 6301, or any similar authority, the BLM should, pursuant to its authority to inventory, identify and list all roads or routes identified as part of a local or state governmental transportation system, and consider those routes or roads as qualifying as roads within the definition of the Wilderness Act of 1964; and

(G) BLM should adjust the boundaries for a geographic area to exclude areas that do not meet the criteria of lacking roads, lacking solitude, and lacking primitive and unconfined recreation and the boundaries should be redrawn to reflect an area that clearly meets the criteria above, and which does not employ minor adjustments to simply exclude small areas with human intrusions, specifically:

(I) the boundaries of a proposed geographic area containing lands with wilderness characteristics should not be drawn around roads, rights-of-way, and intrusions; and

(II) lands located between individual human impacts that do not meet the requirements for lands with wilderness characteristics should be excluded;

(v) BLM should consider the responses of the Department of the Interior under cover of the letter dated May 20, 2009, clearly stating that BLM does not have the authority to apply the nonimpairment management standard to the subject lands, or to manage the subject lands in any manner to preserve their suitability for designation as wilderness, when considering the proper management principles for areas that meet the full definition of lands with wilderness characteristics; and

(vi) even if the BLM were to properly inventory an area for the presence of wilderness characteristics, the BLM still lacks authority to make or alter project level decisions to automatically avoid impairment of any wilderness characteristics without express congressional authority to do so;

(d) achieve and maintain at the highest reasonably sustainable levels a continuing yield of energy, hard rock, and nuclear resources in those subject lands with economically recoverable amounts of such resources as follows:

(i) the development of the solid, fluid, and gaseous mineral resources in portions of the subject lands is an important part of the state's economy and the economies of the respective counties, and should be recognized that it is technically feasible to access mineral and energy resources in portions of the subject lands while preserving or, as necessary, restoring nonmineral and nonenergy resources;

(ii) all available, recoverable solid, fluid, gaseous, and nuclear mineral resources in the subject lands should be seriously considered for contribution or potential contribution to the state's economy and the economies of the respective counties;

(iii) those portions of the subject lands shown to have reasonable mineral, energy, and nuclear potential should be open to leasing, drilling, and other access with reasonable stipulations and conditions, including mitigation, reclamation, and bonding measures where necessary, that will protect the lands against unnecessary and undue damage to other significant resource values;

(iv) federal oil and gas existing lease conditions and restrictions should not be modified, waived, or removed unless the lease conditions or restrictions are no longer necessary or effective;

(v) any prior existing lease restrictions in the subject lands that are no longer necessary or effective should be modified, waived, or removed;

(vi) restrictions against surface occupancy should be eliminated, modified, or waived, where reasonable;

(vii) in the case of surface occupancy restrictions that cannot be reasonably eliminated, modified, or waived, directional drilling should be considered where the mineral and energy resources beneath the area can be reached employing available directional drilling technology;

(viii) applications for permission to drill in the subject lands that meet standard qualifications, including reasonable and effective mitigation and reclamation requirements, should be expeditiously processed and granted; and

(ix) any moratorium that may exist against the issuance of qualified mining patents and oil and gas leases in the subject lands, and any barriers that may exist

against developing unpatented mining claims and filing for new claims, should be carefully evaluated for removal;

(e) achieve and maintain livestock grazing in the subject lands at the highest reasonably sustainable levels by adhering to the policies, goals, and management practices set forth in Subsection 63J-4-401(6)(m);

(f) manage the watershed in the subject lands to achieve and maintain water resources at the highest reasonably sustainable levels as follows:

(i) adhere to the policies, goals, and management practices set forth in Subsection 63J-4-401(6)(m);

(ii) deter unauthorized cross-country OHV use in the subject lands by establishing a reasonable system of roads and trails in the subject lands for the use of an OHV, as closing the subject lands to all OHV use will only spur increased and unauthorized use; and

(iii) keep open any road or trail in the subject lands that historically has been open to OHV use, as identified on respective county road maps;

(g) achieve and maintain traditional access to outdoor recreational opportunities available in the subject lands as follows:

(i) hunting, trapping, fishing, hiking, family and group parties, family and group campouts and campfires, rock hounding, OHV travel, geological exploring, pioneering, recreational vehicle parking, or just touring in personal vehicles are activities that are important to the traditions, customs, and character of the state and individual counties where the subject lands are located and should continue;

(ii) wildlife hunting, trapping, and fishing should continue at levels determined by the Wildlife Board and the Division of Wildlife Resources and traditional levels of group camping, group day use, and other traditional forms of outdoor recreation, both motorized and nonmotorized, should continue; and

(iii) the broad spectrum of outdoor recreational activities available on the subject lands should be available to citizens for whom a primitive, nonmotorized, outdoor experience is not preferred, affordable, or physically achievable;

(h) (i) keep open to motorized travel, any road in the subject lands that is part of the respective counties' duly adopted transportation plan;

(ii) provide that R.S. 2477 rights-of-way should be recognized by the BLM;

(iii) provide that a county road may be temporarily closed or permanently abandoned only by statutorily authorized action of the county or state;

(iv) provide that the BLM and the Forest Service must recognize and not unduly interfere with a county's ability to maintain and repair roads and, where reasonably necessary, make improvements to the roads; and

(v) recognize that additional roads and trails may be needed in the subject lands from time to time to facilitate reasonable access to a broad range of resources and opportunities throughout the subject lands, including livestock operations and improvements, solid, fluid, and gaseous mineral operations, recreational opportunities and operations, search and rescue needs, other public safety needs, access to public lands for people with disabilities and the elderly, and access to Utah school and institutional trust lands for the accomplishment of the purposes of those lands;

(i) manage the subject lands so as to protect prehistoric rock art, three

dimensional structures, and other artifacts and sites recognized as culturally important and significant by the state historic preservation officer or each respective county by imposing reasonable and effective stipulations and conditions reached by agreement between the federal agency and the state authorized officer pursuant to the authority granted by the National Historic Preservation Act, 16 U.S.C. Sec. 470 et seq.;

(j) manage the subject lands so as to not interfere with the property rights of private landowners as follows:

(i) the state recognizes that there are parcels of private fee land throughout the subject lands;

(ii) land management policies and standards in the subject lands should not interfere with the property rights of any private landowner to enjoy and engage in uses and activities on an individual's private property consistent with controlling county zoning and land use laws; and

(iii) a private landowner or a guest or client of a private landowner should not be denied the right of motorized access to the private landowner's property consistent with past uses of the private property;

(k) manage the subject lands in a manner that supports the fiduciary agreement made between the state and the federal government concerning the school and institutional trust lands, as managed according to state law, by:

(i) formally recognizing, by duly authorized federal proclamation, the duty of the federal government to support the purposes of the school and institutional trust lands owned by the state and administered by SITLA in trust for the benefit of public schools and other institutions as mandated in the Utah Constitution and the Utah Enabling Act of 1894, 28 Stat. 107;

(ii) actively seeking to support SITLA's fiduciary responsibility to manage the school trust lands to optimize revenue by making the school trust lands available for sale and private development and for other multiple and consumptive use activities such as mineral development, grazing, recreation, timber, and agriculture;

(iii) not interfering with SITLA's ability to carry out its fiduciary responsibilities by the creation of geographical areas burdened with management restrictions that prohibit or discourage the optimization of revenue, without just compensation;

(iv) recognizing SITLA's right of economic access to the school trust lands to enable SITLA to put those sections to use in its fiduciary responsibilities;

(v) recognizing any management plan enacted by SITLA pursuant to Section 53C-2-201; and

(vi) acting responsibly as the owner of land parcels with potential for exchange for state land parcels by:

(A) moving forward with the process for identifying federal land parcels suitable and desirable for exchange for state land parcels;

(B) removing barriers to the exchange of federal land parcels for state land parcels;

(C) expediting the procedures and processes necessary to execute the exchange of federal land parcels for state land parcels; and

(D) lobbying and supporting in good faith any congressional legislation to enact and finalize the exchange of federal land parcels for state land parcels;

(l) oppose the designation of BLM lands as areas of critical environmental concern (ACEC), as the BLM lands are generally not compatible with the state's plan and policy for managing the subject lands, but special cases may exist where such a designation is appropriate if compliance with FLPMA, 43 U.S.C. Sec. 1702(a) is clearly demonstrated and where the proposed designation and protection:

(i) is limited to the geographic size to the minimum necessary to meet the standards required by Section 63J-4-401;

(ii) is necessary to protect not just a temporary change in ground conditions or visual resources that can be reclaimed or reversed naturally, but is clearly shown as necessary to protect against visible damage on the ground that will persist on a time scale beyond that which would effectively disqualify the land for a later inventory of wilderness characteristics;

(iii) will not be applied in a geographic area already protected by other protective designations available pursuant to law; and

(iv) is not a substitute for the nonimpairment management requirements of wilderness study areas; and

(m) recognize that a BLM visual resource management class I or II rating is generally not compatible with the state's plan and policy for managing the subject lands, but special cases may exist where such a rating is appropriate if jointly considered and created by state, local, and federal authorities as part of an economic development plan for a region of the state, with due regard for school trust lands and private lands within the area.

(2) All BLM and Forest Service decision documents should be accompanied with an analysis of the social and economic impact of the decision. Such analysis should:

(a) consider all facets of the decision in light of valuation techniques for the potential costs and benefits of the decision;

(b) clarify whether the costs and benefits employ monetized or nonmonetized techniques;

(c) compare the accuracy, completeness, and viability of monetized and nonmonetized valuation techniques used as part of the analysis, including all caveats on use of the techniques; and

(d) compare the valuation techniques employed in the analysis to the federal standards for valuation employed by the U.S. Department of Justice in court actions.

Amended by Chapter 328, 2014 General Session

63J-8-105. Maps available for public review.

A printed copy of the maps referenced in Subsections 63J-8-102(8), (20), and (21) shall be available for inspection by the public at the offices of the Utah Association of Counties.

Amended by Chapter 321, 2014 General Session

63J-8-105.1. State of Utah Transportation Plan for the Cedar City, Powell,

Escalante, and Fremont ranger districts of the Dixie National Forest.

(1) (a) The state of Utah designates this state of Utah transportation plan for the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

(b) The plan was established pursuant to:

(i) the requirement in the United States Forest Service's Multiple-Use Sustained-Yield Act of 1960, 16 U.S.C. Sec. 528, that lands within the national forests be managed according to the principles of multiple use; and

(ii) the right which FLPMA, the National Environmental Policy Act, 42 U.S.C. Sec. 4321 et seq., and the Federal Advisory Committee Act, 5 U.S.C. Appendix 2, give to state and local governments to participate in all BLM and United States Forest Service efforts to plan for the responsible use of BLM and United States Forest Service lands and the requirement that BLM and the United States Forest Service coordinate planning efforts with those of state and local governments.

(c) This section is a statement of the state of Utah's policy and plan for a desired transportation system for the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

(d) This section does not mandate compliance with this policy by the United States Forest Service nor does it override or usurp the United States Forest Service's authority within this area.

(e) This section is a statement of state policy for use by the United States Forest Service and other interested stakeholders as required by federal law in making planning decisions and project management decisions within the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

(2) There is established and designated a state of Utah transportation plan for the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest in Garfield, Iron, Kane, and Wayne counties, Utah for the purpose of:

(a) preserving and protecting against threats to the longstanding transportation networks that have served the public for decades within these ranger districts;

(b) preserving and protecting against threats to the longstanding traditional recreation resource values that have served the public for decades within these ranger districts;

(c) preserving and protecting against threats to the longstanding public road access that is vital to the agricultural livestock and forest products industries within these ranger districts;

(d) preserving and protecting against threats to the significant history, culture, customs, and economic values in these ranger districts, and in the various communities situated near these ranger districts;

(e) preserving and protecting against threats to the civil rights of the disabled, the elderly, and the economically disadvantaged to have access to the great outdoor resource and values existing in these ranger districts;

(f) preserving and protecting against threats to road networks vital to restoring, reclaiming, preserving, protecting, enhancing, and developing the state's water resources on the watersheds existing within these ranger districts;

(g) protecting, preserving, and enhancing affected natural, historical, and

cultural activities within these ranger districts from ongoing threats; and

(h) preserving and protecting the longstanding network of publicly accessible roads within these ranger districts, in order to protect:

(i) the health, safety, and welfare of citizens who live near these ranger districts, and persons who visit and recreate therein, from the threat of catastrophic fire and its resulting problems of watershed and habitat destruction, erosion, silt load, and flooding, which can only be managed, prevented, combatted, and mitigated through a proper transportation network throughout these ranger districts;

(ii) hunter access to manage wildlife populations; and

(iii) forage conditions for livestock grazing and wildlife habitat.

(3) The state of Utah transportation plan for the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest consists of all roads shown in the map jointly prepared by the Garfield, Iron, Kane, and Wayne County GIS departments in February 2014, entitled "State of Utah Transportation Plan for Dixie National Forest," printed copies of which will be maintained by the Utah Association of Counties and made available to the public upon request.

(4) (a) (i) The map described in Subsection (3) also documents the move by Dixie National Forest to close and otherwise deny the public's longstanding access to many of the roads shown on the map in the Cedar City, Powell, Escalante, and Fremont ranger districts, by reason of the United States Forest Service's implementing a recent motorized travel plan for the Dixie National Forest.

(ii) These closures and other denials of public road access through the motorized travel plan of the Dixie National Forest constitute an ongoing direct threat to the resources and values referenced in Subsection (2).

(b) The state of Utah's transportation plan for these ranger districts conflicts with the United States Forest Service's recent motorized travel plan for the Dixie National Forest.

(c) The state of Utah's transportation plan for these ranger districts recognizes that all roads shown on the map referenced in Subsection (3) should be kept open to the public.

(5) The state finds that keeping open to the public all roads shown on the map referenced in Subsection (3) is necessary and vital to preserve and protect the values cited in Subsection (2).

(6) The state requests that the federal agencies that administer lands within the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest:

(a) fully cooperate and coordinate with the state of Utah and the respective counties in which these ranger districts lie, to develop, amend, and implement United States Forest Service land and resource management plans and transportation plans, and implement management decisions pursuant to those plans, that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) enter into agreements regarding the maintenance, upkeep, and improvement of roads in these ranger districts;

(c) refrain from any planning decisions and management actions that will

undermine, restrict, or diminish the goals, purposes, and policies as stated in this section; and

(d) refrain from implementing a policy that is contrary to the goals and purposes described within this section.

(7) (a) The state recognizes the importance of longstanding road networks in all national forests in the state but establishes this transportation plan to provide special protection and preservation against the identified threats found to exist in the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

(b) It is the intent of the state to designate additional forest transportation plans in future years as circumstances warrant their special protection and preservation.

(8) The state calls upon applicable federal, state, and local agencies to coordinate with each other and establish applicable intergovernmental standing commissions, with membership consisting of representatives from the United States government, the state of Utah, and local governments, to coordinate and achieve consistency in planning decisions and management actions consistent with the goals and policies of this section for the Cedar City, Powell, Escalante, and Fremont ranger districts of the Dixie National Forest.

Enacted by Chapter 361, 2014 General Session

**63J-8-105.5. Uintah Basin Energy Zone established -- Findings --
Management and land use priorities.**

(1) There is established the Uintah Basin Energy Zone in Daggett, Uintah, and Duchesne Counties for the purpose of maximizing efficient and responsible development of energy and mineral resources.

(2) The land area and boundaries of the Uintah Basin Energy Zone are described in Subsection 63J-8-102(21) and illustrated on the map described in Section 63J-8-105.

(3) The state finds that:

(a) the lands comprising the Uintah Basin Energy Zone contain abundant, world-class deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar energy potential; and

(b) the highest management priority for all lands within the Uintah Basin Energy Zone is responsible management and development of existing energy and mineral resources in order to provide long-term domestic energy and supplies for Utah and the United States.

(4) The state supports:

(a) efficient and responsible full development of all existing energy and mineral resources located within the Uintah Basin Energy Zone, including oil, oil shale, natural gas, oil sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources; and

(b) a cooperative management approach among federal agencies, state, and local governments to achieve broadly supported management plans for the full development of all energy and mineral resources within the Uintah Basin Energy Zone.

(5) The state calls upon the federal agencies who administer lands within the Uintah Basin Energy Zone to:

(a) fully cooperate and coordinate with the state and with Daggett, Uintah, and Duchesne Counties to develop, amend, and implement land and resource management plans and to implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of mineral and energy leases and applications to drill, extract, and otherwise develop all existing energy and mineral resources located within the Uintah Basin Energy Zone, including oil, natural gas, oil shale, oil sands, gilsonite, phosphate, gold, uranium, copper, solar, and wind resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for the Uintah Basin Energy Zone as stated in this section; and

(e) refrain from implementing a policy that is contrary to the goals and purposes described within this section.

(6) The state calls upon Congress to establish an intergovernmental standing commission among federal, state, and local governments to guide and control planning decisions and management actions in the Uintah Basin Energy Zone in order to achieve and maintain the goals, purposes, and policies described in this section.

(7) Notwithstanding the provisions of this section, the state's grazing and livestock policies and plans on land within the Uintah Basin Energy Zone shall continue to be governed by Sections 63J-4-401 and 63J-8-104.

Amended by Chapter 321, 2014 General Session

**63J-8-105.7. Green River Energy Zone established -- Findings --
Management and land use priorities.**

(1) There is established the Green River Energy Zone in Carbon and Emery Counties for the purpose of maximizing efficient and responsible development of energy and mineral resources.

(2) The land area and boundaries of the Green River Energy Zone are described in Subsection 63J-8-102(8) and illustrated on the maps described in Section 63J-8-105.

(3) The state finds that:

(a) the lands comprising the Green River Energy Zone contain abundant world-class deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, gilsonite, coal, phosphate, gold, uranium, and copper, as well as areas with high wind and solar energy potential;

(b) for lands within the Carbon County portion of the Green River Energy Zone, the highest management priority is the responsible management, development, and

extraction of existing energy and mineral resources in order to provide long-term domestic energy and supplies for Utah and the United States; and

(c) for lands within the Emery County portion of the Green River Energy Zone:

(i) the responsible management and development of existing energy and mineral resources in order to provide long-term domestic energy and supplies for Utah and the United States is a high management priority; and

(ii) the management priority described in Subsection (3)(c)(i) should be balanced with the following high management priorities:

(A) watershed health;

(B) water storage and water delivery systems;

(C) Emery County Heritage Sites;

(D) facilities and resources associated with the domestic livestock industry;

(E) wildlife and wildlife habitat; and

(F) recreation opportunities.

(4) The state supports:

(a) efficient and responsible full development of all existing energy and mineral resources located within the Green River Energy Zone, including oil, oil shale, natural gas, oil sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources; and

(b) a cooperative management approach by federal agencies, the state of Utah, and local governments to achieve broadly supported management plans for the full development of all energy and mineral resources within the Green River Energy Zone.

(5) The state requests that the federal agencies that administer lands within the Green River Energy Zone:

(a) fully cooperate and coordinate with the state of Utah and with Carbon and Emery Counties to develop, amend, and implement land and resource management plans and to implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of mineral and energy leases and applications to drill, extract, and otherwise develop all existing energy and mineral resources located within the Green River Energy Zone, including oil, natural gas, oil shale, oil sands, gilsonite, coal, phosphate, gold, uranium, copper, solar, and wind resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for the Green River Energy Zone as stated in this section; and

(e) refrain from implementing a policy that is contrary to the goals and purposes within this section.

(6) The state calls upon Congress to establish an intergovernmental standing commission, with membership consisting of representatives from the United States government, the state of Utah, and local governments to guide and control planning

and management actions in the Green River Energy Zone in order to achieve and maintain the goals, purposes, and policies described in this section.

(7) Notwithstanding the provisions of this section, the state's grazing and livestock policies and plans on land within the Green River Energy Zone shall continue to be governed by Sections 63J-4-401 and 63J-8-104.

Amended by Chapter 321, 2014 General Session

63J-8-105.8. Utah Grazing Agricultural Commodity Zones established -- Findings -- Management and land use priorities.

(1) There are established Utah Grazing Agricultural Commodity Zones in the counties of Beaver, Emery, Garfield, Kane, Piute, Iron, Sanpete, San Juan, Sevier, and Wayne for the purpose of:

- (a) preserving and protecting the agricultural livestock industry from ongoing threats;
- (b) preserving and protecting the history, culture, custom, and economic value of the agricultural livestock industry from ongoing threats; and
- (c) maximizing efficient and responsible restoration, reclamation, preservation, enhancement, and development of forage and watering resources for grazing and wildlife, practices, and affected natural, historical, and cultural activities from ongoing threats.

(2) The titles, land area, and boundaries of the zones are as follows:

(a) "Escalante Region Grazing Zone," consisting of certain BLM and Forest Service land in the following townships in Garfield and Kane counties, as more fully illustrated in the map jointly prepared by the Garfield County and Kane County Geographic Information Systems departments entitled "Escalante Region Grazing Zone":

- (i) in Garfield County, Township 32S Range 6E, Township 32S Range 7E, Township 33S Range 4E, Township 33S Range 5E, Township 33S Range 6E, Township 33S Range 7E, Township 33S Range 8E, Township 34S Range 2E, Township 34S Range 3E, Township 34S Range 4E, Township 34S Range 5E, Township 34S Range 6E, Township 34S Range 7E, Township 34S Range 8E, Township 35S Range 1E, Township 35S Range 2E, Township 35S Range 3E, Township 35S Range 4E, Township 35S Range 5E, Township 35S Range 6E, Township 35S Range 7E, Township 35S Range 8E, Township 36S Range 1W, Township 36S Range 2W, Township 36S Range 3W, Township 36S Range 1E, Township 36S Range 2E, Township 36S Range 3E, Township 36S Range 4E, Township 36S Range 5E, Township 36S Range 6E, Township 36S Range 7E, Township 36S Range 8E, Township 36S Range 9E, Township 37S Range 1W, Township 37S Range 2W, Township 37S Range 3W, Township 37S Range 4W, Township 37S Range 1E, Township 37S Range 2E, Township 37S Range 3E, Township 37S Range 4E, Township 37S Range 5E, Township 37S Range 6E, Township 37S Range 7E, Township 37S Range 8E, and Township 37S Range 9E; and
- (ii) in Kane County, Township 38S Range 1W, Township 38S Range 2W, Township 38S Range 3W, Township 38S Range 4W, Township 38S Range 1E,

Township 38S Range 2E, Township 38S Range 3E, Township 38S Range 4E, Township 38S Range 5E, Township 38S Range 6E, Township 38S Range 7E, Township 38S Range 8E, Township 38S Range 9E, Township 39S Range 1W, Township 39S Range 2W, Township 39S Range 3W, Township 39S Range 4W, Township 39S Range 4.5W, Township 39S Range 1E, Township 39S Range 2E, Township 39S Range 3E, Township 39S Range 4E, Township 39S Range 5E, Township 39S Range 6E, Township 39S Range 7E, Township 39S Range 8E, Township 39S Range 9E, Township 40S Range 1W, Township 40S Range 2W, Township 40S Range 3W, Township 40S Range 4W, Township 40S Range 4.5W, Township 40S Range 5W, Township 40S Range 1E, Township 40S Range 2E, Township 40S Range 3E, Township 40S Range 4E, Township 40S Range 5E, Township 40S Range 6E, Township 40S Range 7E, Township 40S Range 8E, Township 40S Range 9E, Township 40.5S Range 9E, Township 41S Range 1W, Township 41S Range 2W, Township 41S Range 3W, Township 41S Range 4W, Township 41S Range 4.5W, Township 41S Range 5W, Township 41S Range 1E, Township 41S Range 2E, Township 41S Range 3E, Township 41S Range 4E, Township 41S Range 5E, Township 41S Range 6E, Township 41S Range 7E, Township 41S Range 8E, Township 41S Range 9E, Township 42S Range 1W, Township 42S Range 2W, Township 42S Range 3W, Township 42S Range 4W, Township 42S Range 4.5W, Township 42S Range 5W, Township 42S Range 1E, Township 42S Range 2E, Township 42S Range 3E, Township 42S Range 4E, Township 42S Range 5E, Township 42S Range 6E, Township 42S Range 7E, Township 42S Range 8E, Township 42S Range 9E, Township 42.5S Range 6.5E, Township 42.5S Range 7E, Township 43S Range 1W, Township 43S Range 2W, Township 43S Range 3W, Township 43S Range 4W, Township 43S Range 4.5W, Township 43S Range 5W, Township 43S Range 1E, Township 43S Range 2E, Township 43S Range 3E, Township 43S Range 4E, Township 43S Range 5E, Township 43S Range 6E, Township 44S Range 1W, Township 44S Range 2W, Township 44S Range 3W, Township 44S Range 4W, Township 44S Range 4.5W, Township 44S Range 5W, Township 44S Range 1E, Township 44S Range 2E, Township 44S Range 3E, Township 44S Range 4E, and Township 44S Range 5E;

(b) "Beaver County Southwest Desert Region Grazing Zone," consisting of BLM lands in the following townships in Beaver County, as more fully illustrated in the map prepared by the Beaver County Geographic Information Systems Departments entitled "Beaver County Southeast Desert Grazing Zone": Township 26S Range 11W, Township 27S Range 11W, Township 28S Range 11W, Township 29S Range 11W, Township 30S Range 11W, Township 26S Range 12W, Township 27S Range 12W, Township 28S Range 12W, Township 29S Range 12W, Township 30S Range 12W, Township 26S Range 13W, Township 27S Range 13W, Township 28S Range 13W, Township 29S Range 13W, Township 30S Range 13W, Township 26S Range 14W, Township 27S Range 14W, Township 28S Range 14W, Township 29S Range 14W, Township 30S Range 14W, Township 26S Range 15W, Township 27S Range 15W, Township 28S Range 15W, Township 29S Range 15W, Township 30S Range 15W, Township 26S Range 16W, Township 27S Range 16W, Township 28S Range 16W, Township 29S Range 16W, Township 30S Range 16W, Township 26S Range 17W,

Township 27S Range 17W, Township 28S Range 17W, Township 29S Range 17W, Township 30S Range 17W, Township 26S Range 18W, Township 27S Range 18W, Township 28S Range 18W, Township 29S Range 18W, Township 30S Range 18W, Township 26S Range 19W, Township 27S Range 19W, Township 28S Range 19W, Township 29S Range 19W, Township 30S Range 19W, Township 26S Range 20W, Township 27S Range 20W, Township 28S Range 20W, Township 29S Range 20W, and Township 30S Range 20W;

(c) "Tushar Mountain Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Beaver, Garfield, and Piute counties, as more fully illustrated in the map jointly prepared by the Beaver, Garfield, and Piute counties GIS departments in February 2014, entitled "Tushar Mountain Region Grazing Zone":

(i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W, Township 29S Range 6W, and Township 30S Range 6W;

(ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W, Township 27S Range 4W, Township 28S Range 4W, Township 29S Range 4W, Township 30S Range 4W; and

(iii) in Garfield County, Township 32S Range 5 1/2 W, Township 31S Range 5W, Township 32S Range 5W, Township 33S Range 5W, Township 32S Range 4 1/2W, Township 33S Range 4 1/2W, Township 31S Range 4W, and Township 31S Range 3W;

(d) "Last Chance Region Grazing Zone," consisting of BLM and Forest Service lands in the following townships in Sevier County, as more fully illustrated in the map prepared by the Sevier County GIS department in February 2014, entitled "Last Chance Region Grazing Zone": Township 23S Range 5E, Township 24S Range 4E, Township 24S Range 5E, Township 25S Range 5E, Township 26S Range 5E;

(e) "Muddy Creek Region Grazing Zone," consisting of certain BLM lands in the following townships of Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "Muddy Creek Region Grazing Zone": Township 22S Range 7E, Township 23S Range 7E, Township 24S Range 7E, Township 25S Range 7E, Township 22S Range 8E, Township 23S Range 8E, Township 24S Range 8E, Township 25S Range 8E, Township 23S Range 9E, and Township 24S Range 9E;

(f) "McKay Flat Region Grazing Zone," consisting of certain BLM lands in the following townships of Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "McKay Flat Region Grazing Zone": Township 25S Range 9E, Township 26S Range 9E, Township 23S Range 10E, Township 24S Range 10E, Township 25S Range 10E, Township 24S Range 11E, and Township 25S Range 11E;

(g) "Sinbad Region Grazing Zone," consisting of certain BLM lands in the following townships of Emery County, as more fully illustrated in the map prepared by

the Emery County GIS department in February 2014, entitled "Sinbad Region Grazing Zone": Township 20S Range 11E, Township 21S Range 11E, Township 21S Range 12E, Township 22S Range 12E, Township 23S Range 12E, Township 21S Range 13E, Township 22S Range 13E, and Township 23S Range 13E;

(h) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands in the following townships of Emery County, as more fully illustrated in the map prepared by the Emery County GIS department in February 2014, entitled "Robbers Roost Region Grazing Zone": Township 25S Range 13E, Township 26S Range 13E, Township 25S Range 14E, Township 26S Range 14E, Township 25S Range 15E, and Township 26S Range 15E;

(i) "Western Iron County Region Grazing Zone," consisting of BLM and Forest Service lands in the following townships in Iron County, as more fully illustrated in the map jointly prepared by the Iron County GIS department in February 2014, entitled "Western Iron County Region Grazing Zone": Township 31S Range 7W, Township 31S Range 8W, Township 31S Range 9W, Township 31S Range 10W, Township 31S Range 11W, Township 31S Range 12W, Township 31S Range 13W, Township 31S Range 14W, Township 31S Range 15W, Township 31S Range 16W, Township 31S Range 17W, Township 31S Range 18W, Township 31S Range 19W, Township 31S Range 20W, Township 32S Range 8W, Township 32S Range 9W, Township 32S Range 10W, Township 32S Range 11W, Township 32S Range 12W, Township 32S Range 13W, Township 32S Range 14W, Township 32S Range 15W, Township 32S Range 16W, Township 32S Range 17W, Township 32S Range 18W, Township 32S Range 19W, Township 32S Range 20W, Township 33S Range 8W, Township 33S Range 9W, Township 33S Range 10W, Township 33S Range 11W, Township 33S Range 12W, Township 33S Range 13W, Township 33S Range 14W, Township 33S Range 15W, Township 33S Range 16W, Township 33S Range 17W, Township 33S Range 18W, Township 33S Range 19W, Township 33S Range 20W, Township 34S Range 9W, Township 34S Range 10W, Township 34S Range 11W, Township 34S Range 12W, Township 34S Range 13W, Township 34S Range 14W, Township 34S Range 15W, Township 34S Range 17W, Township 34S Range 18W, Township 34S Range 19W, Township 34S Range 20W, Township 35S Range 10W, Township 35S Range 12W, Township 35S Range 13W, Township 35S Range 14W, Township 35S Range 15W, Township 35S Range 17W, Township 35S Range 18W, Township 35S Range 19W, Township 35S Range 20W, Township 36S Range 11W, Township 36S Range 12W, Township 36S Range 13W, Township 36S Range 14W, Township 36S Range 15W, Township 36S Range 17W, Township 36S Range 18W, Township 36S Range 19W, Township 36S Range 20W, Township 37S Range 12W, Township 37S Range 13W, Township 37S Range 14W, and Township 38S Range 12W;

(j) "Eastern Iron County Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Iron County, as more fully illustrated in the map jointly prepared by the Iron County GIS department in February 2014, entitled "Eastern Iron County Region Grazing Zone": Township 31S Range 6W, Township 31S Range 7W, Township 32S Range 6W, Township 32S Range 7W, Township 33S Range 6W, Township 33S Range 7W, Township 33S Range 8W, Township 34S Range 7W, Township 34S Range 8W, Township 34S Range 9W,

Township 35S Range 8W, Township 35S Range 9W, Township 35S Range 10W, Township 36S Range 8W, Township 36S Range 9W, Township 36S Range 10W, Township 36S Range 11W, Township 37S Range 8W, Township 37S Range 9W, Township 37S Range 11W, Township 37S Range 12W, Township 38S Range 11W, Township 38S Range 12W, Township 38S Range 10W, Township 38S Range 11W, and Township 38S Range 12W, excluding Zion National Park;

(k) "Panguitch Lake Region Grazing Zone," consisting of BLM and Forest Service lands in the following townships in Kane and Garfield counties, as more fully illustrated in the map prepared by the Kane County GIS department in February 2014, entitled "Panguitch Lake Region Grazing Zone":

(i) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, and Township 39S Range 7W; and

(ii) in Garfield County, Township 35S Range 7W, Township 36S Range 7W, Township 34S Range 6W, Township 35S Range 6W, Township 36S Range 6W, Township 37S Range 6W, Township 34S Range 5W, Township 35S Range 5W, Township 36S Range 5W, and Township 37S Range 5W;

(l) "East Fork Region Grazing Zone," the land area of which consists of certain BLM and Forest Service lands situated in the following townships in Kane and Garfield counties, as more fully illustrated in the map jointly prepared by the Kane and Garfield counties GIS departments in February 2014, entitled "East Fork Region Grazing Zone":

(i) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township 39S Range 5W, and Township 39S Range 4.5W; and

(ii) in Garfield County, Township 34S Range 4 1/2W, Township 35S Range 4 1/2W, Township 36S Range 4 1/2W, Township 37S Range 4 1/2W, Township 33S Range 4W, Township 34S Range 4W, Township 35S Range 4W, Township 36S Range 4W, Township 37S Range 4W, Township 33S Range 3W, Township 34S Range 3W, Township 35S Range 3W, Township 36S Range 3W, Township 33S Range 2W, Township 34S Range 2W, and Township 35S Range 2W;

(m) "Sevier River Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Piute County, as more fully illustrated in the map prepared by the Piute GIS department in February 2014, entitled "Sevier River Region Grazing Zone": Township 27S Range 3W, Township 28S Range 3W, and Township 29S Range 3W;

(n) "Kingston Canyon Region Grazing Zone," the land area of which consists of certain BLM and Forest Service lands situated in the following townships in Piute and Garfield counties, as more fully illustrated in the map jointly prepared by the Piute and Garfield counties GIS departments in February 2014, entitled "Kingston Canyon Region Grazing Zone":

(i) in Piute County, Township 30S Range 3W, Township 30S Range 2.5W, and Township 30S Range 2W; and

(ii) in Garfield County, Township 32S Range 4W, Township 31S Range 3W, Township 32S Range 3W, Township 31S Range 2 1/2W, Township 31S Range 2W, Township 32S Range 2W, Township 31S Range 1W, and Township 32S Range 1W;

(o) "Monroe Mountain Region Grazing Zone," consisting of certain BLM and

Forest Service lands in the following townships in Piute County, as more fully illustrated in the map prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain Region Grazing Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township 27S Range 1W;

(p) "Parker Mountain Region Grazing Zone," consisting of certain BLM and Forest Service lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Parker Mountain Region Grazing Zone": Township 26S Range 2E, Township 27S Range 2E, Township 28S Range 2E, Township 29S Range 2E, and Township 30S Range 2E;

(q) "Boulder Mountain Region Grazing Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Wayne and Garfield counties, as more fully illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in February 2014, entitled "Boulder Mountain Region Grazing Zone":

(i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and Township 30S Range 5E; and

(ii) in Garfield County, Township 35S Range 3W, Township 33S Range 2W, Township 34S Range 2W, Township 35S Range 2W, Township 31S Range 1W, Township 32S Range 1W, Township 33S Range 1W, Township 34S Range 1W, Township 35S Range 1W, Township 31S Range 1E, Township 32S Range 1E, Township 33S Range 1E, Township 34S Range 1E, Township 31S Range 2E, Township 32S Range 2E, Township 33S Range 2E, Township 34S Range 2E, Township 31S Range 3E, Township 32S Range 3E, Township 33S Range 3E, Township 31S Range 4E, Township 32S Range 4E, Township 33S Range 4E, Township 30 1/2S Range 5E, Township 31S Range 5E, Township 32S Range 5E, and Township 31S Range 6E;

(r) "Thousand Lake Region Grazing Zone," consisting of certain Forest Service lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Grazing Zone": Township 26S Range 4E, Township 27S Range 4E, Township 28S Range 4E;

(s) "Hartnet-Middle Desert Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Hartnet-Middle Desert Region Grazing Zone": Township 28S Range 7E, Township 27S Range 8E, and Township 28S Range 8E;

(t) "Sandy No. 1 Region Grazing Zone," consisting of certain BLM lands situated in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Sandy No. 1 Region Grazing Zone": Township 29S Range 8E, Township 30S Range 8E;

(u) "Blue Benches Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map jointly

prepared by the Wayne County GIS department in February 2014, entitled "Blue Benches Region Grazing Zone": Township 29S Range 9E, Township 29S Range 10E, and Township 30S Range 10E;

(v) "Wild Horse Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Wild Horse Region Grazing Zone": Township 27S Range 10E, and Township 27S Range 11E;

(w) "Hanksville Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Hanksville Region Grazing Zone": Township 29S Range 11E, Township 30S Range 11E, Township 28S Range 12E, Township 29S Range 12E, Township 30S Range 12E, and Township 30S Range 13E;

(x) "Jeffery Wells Region Grazing Zone," consisting of certain BLM lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Jeffery Wells Region Grazing Zone": Township 27S Range 14E and Township 27S Range 15E;

(y) "Robbers Roost Region Grazing Zone," consisting of certain BLM lands situated in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Robbers Roost Region Grazing Zone": Township 29S Range 14E;

(z) "French Springs Region Grazing Zone," the land area of which consists of certain BLM lands situated in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "French Springs Region Grazing Zone": Township 30S Range 16E;

(aa) "12 Mile C&H Region Grazing Zone," consisting of certain Forest Service lands in the following townships of Sanpete County, as more fully illustrated in the map prepared by the Sanpete County GIS department in February 2014, entitled "12 Mile C&H Region Grazing Zone": Township 19S Range 3E and Township 20S Range 3E;

(bb) "Horseshoe Region Grazing Zone," consisting of certain Forest Service lands in the following townships of Sanpete County, as more fully illustrated in the map prepared by the Sanpete County GIS department in February 2014, entitled "Horseshoe Region Grazing Zone": Township 14S Range 5E, Township 14S Range 6E, Township 15S Range 5E, and Township 15S Range 6E;

(cc) "Nokai Dome Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Nokai Dome Region Grazing Zone": Township 38S Range 11E, Township 38S Range 12E, Township 39S Range 11E, Township 39S Range 12E, Township 39S Range 13E, Township 39S Range 14E, Township 39S Range 15E, Township 40S Range 10E, Township 40S Range 11E, Township 40S Range 12E, Township 40S Range 13E, Township 40S Range 14E, Township 41S Range 9E, Township 41S Range 10E, Township 41S Range 11E, and Township 41S Range 12E;

(dd) "Grand Gulch Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Grand Gulch Region Grazing Zone": Township 37S Range 17E, Township 37S Range 18E, Township 38S Range 16E, Township 38S Range 17E, Township 38S Range 18E, Township 39S Range 14E, Township 39S Range 15E, Township 39S Range 16E, Township 39S Range 17E, Township 39S Range 18E, Township 40S Range 14E, Township 40S Range 15E, Township 40S Range 16E, Township 40S Range 17E, and Township 40S Range 18E;

(ee) "Cedar Mesa East Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Cedar Mesa East Region Grazing Zone": Township 36S Range 20E, Township 37S Range 18E, Township 37S Range 19E, Township 37S Range 20E, Township 37S Range 21E, Township 38S Range 18E, Township 38S Range 19E, Township 38S Range 20E, Township 38S Range 21E, Township 39S Range 18E, Township 39S Range 19E, Township 39S Range 20E, Township 39S Range 21E, Township 40S Range 18E, Township 40S Range 19E, Township 40S Range 20E, Township 40S Range 21E, Township 41S Range 18E, Township 41S Range 19E, Township 41S Range 20E, and Township 41S Range 21E;

(ff) "Mancos Mesa Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Mancos Mesa Region Grazing Zone": Township 35S Range 13E, Township 36S Range 12E, Township 36S Range 13E, Township 36S Range 14E, Township 37S Range 12E, Township 37S Range 13E, Township 37S Range 14E, Township 37S Range 15E, Township 38S Range 11E, Township 38S Range 12E, Township 38S Range 13E, Township 38S Range 14E, Township 38S Range 15E, Township 38S Range 18E, Township 39S Range 13E, Township 39S Range 14E, and Township 39S Range 15E;

(gg) "Red Canyon Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Red Canyon Region Grazing Zone": Township 33S Range 14E, Township 34S Range 13E, Township 34S Range 14E, Township 34S Range 15E, Township 35S Range 13E, Township 35S Range 14E, Township 35S Range 15E, Township 36S Range 14E, Township 36S Range 15E, Township 36S Range 16E, Township 36S Range 17E, Township 37S Range 14E, Township 37S Range 15E, Township 37S Range 16E, Township 37S Range 17E, Township 38S Range 15E, and Township 38S Range 16E;

(hh) "White Canyon Region Grazing Zone," consisting of certain BLM and National Park Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "White Canyon Region Grazing Zone": Township 33S Range 14E, Township 33S Range 15E, Township 33S Range 16E, Township 34S Range 14E,

Township 34S Range 15E, Township 34S Range 16E, Township 34S Range 17E, Township 35S Range 15E, Township 35S Range 16E, Township 35S Range 17E, Township 35S Range 18E, Township 36S Range 15E, Township 36S Range 16E, Township 36S Range 17E, Township 36S Range 18E, Township 37S Range 17E, and Township 37S Range 18E;

(ii) "Dark Canyon/Hammond Canyon Region Grazing Zone," consisting of certain Forest Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Dark Canyon/Hammond Canyon Region Grazing Zone": Township 34S Range 17E, Township 34S Range 18E, Township 34S Range 19E, Township 34S Range 20E, Township 35S Range 17E, Township 35S Range 18E, Township 35S Range 19E, Township 35S Range 20E, Township 36S Range 18E, Township 36S Range 19E, Township 36S Range 20E, and Township 37S Range 19E;

(jj) "Chippean/Indian Creek Region Grazing Zone," consisting of certain Forest Service lands in the following townships of San Juan County, as more fully illustrated in the map prepared by the San Juan County GIS department in February 2014, entitled "Chippean/Indian Creek Region Grazing Zone": Township 32S Range 21E, Township 32S Range 22E, Township 33S Range 21E, Township 33S Range 22E, Township 34S Range 20E, Township 34S Range 21E, Township 34S Range 22E, Township 35S Range 20E, Township 35S Range 21E, and Township 35S Range 22E;

(kk) "Henry Mountain Region Grazing Zone," the land area of which consists of certain BLM lands situated in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2014, entitled "Henry Mountain Region Grazing Zone": Township 31S Range 7E, Township 31S Range 8E, Township 32S Range 8E, Township 33S Range 8E, Township 34S Range 8E, Township 31S Range 9E, Township 32S Range 9E, Township 33S Range 9E, Township 34S Range 9E, Township 35S Range 9E, Township 31S Range 10E, Township 32S Range 10E, Township 33S Range 10E, Township 34S Range 10E, Township 35S Range 10E, Township 31S Range 11E, Township 32S Range 11E, Township 33S Range 11E, Township 34S Range 11E, Township 32S Range 12E, Township 33S Range 12E, and Township 34S Range 12E;

(ll) "Glen Canyon Region Grazing Zone," the land area of which consists of certain BLM and Natural Park Service lands situated in the following townships in Garfield County, as more fully illustrated in the map prepared by the Garfield County GIS department in February 2014, entitled "Glen Canyon Region Grazing Zone": Township 36S Range 9E, Township 36S Range 10E, Township 37S Range 10E, Township 35S Range 11E, Township 36S Range 11E, Township 37S Range 11E, Township 31S Range 12E, Township 32S Range 12E, Township 33S Range 12E, Township 34S Range 12E, Township 35S Range 12E, Township 35 1/2S Range 12E, Township 36S Range 12E, Township 37S Range 12E, Township 31S Range 13E, Township 32S Range 13E, Township 33S Range 13E, Township 34S Range 13E, Township 35S Range 13E, Township 35 1/2S Range 13E, Township 36S Range 13E, Township 31S Range 14E, Township 32S Range 14E, Township 32 1/2S Range 14E, Township 33S Range 14E, Township 31S Range 15E, Township 32S Range 15E, Township 32 1/2S Range 15E, Township 33S Range 15E, Township 30 1/2S Range

16E, Township 31S Range 16E, Township 32S Range 16E, Township 30 1/2S Range 17E, Township 31S Range 17E, Township 32S Range 17E, Township 30 1/2S Range 18E, and Township 31S Range 18E;

(mm) "Glendale Bench Region Grazing Zone," the land area of which consists of certain BLM and Forest Service lands situated in the following townships in Kane County, as more fully illustrated in the map prepared by the Kane County GIS department in February 2014, entitled "Glendale Bench Region Grazing Zone": Township 39S Range 6W, Township 39S Range 5W, Township 39S Range 4.5W, Township 40S Range 7W, Township 40S Range 6W, Township 41S Range 7W, and Township 41S Range 6W; and

(nn) "John R. Region Grazing Zone," the land area of which consists of certain BLM and Forest Service lands situated in the following townships in Kane County, as more fully illustrated in the map prepared by the Kane County GIS department in February 2014, entitled "John R. Region Grazing Zone": Township 41S Range 7W, Township 41S Range 6W, Township 42S Range 7W, Township 42S Range 6W, Township 43S Range 6W, and Township 44S Range 6W.

(3) Printed copies of the maps referenced in Subsection (2) shall be available for inspection by the public at the offices of the Utah Association of Counties.

(4) The state finds with respect to the grazing zones described in Subsection (2) that:

(a) agricultural livestock industry on the lands comprising these zones has provided a significant contribution to the history, customs, culture, economy, welfare, and other values of each area for more than 100 years;

(b) the potential for abundant natural and vegetative resources exists within these zones if managed properly, that will support and expand continued, responsible agricultural livestock activities and wildlife habitat;

(c) agricultural livestock activities in these zones and the associated historic resources, human history, shaping of human endeavors, variety of cultural resources, landmarks, structures, and other objects of historic or scientific interest are worthy of recognition, preservation, and protection;

(d) (i) the highest management priority for lands within these zones is the preservation, restoration, and enhancement of watershed and rangeland health to sustain and expand forage production for both livestock grazing and wildlife habitat, and the restoration and development of historic, existing, and future livestock grazing and wildlife habitat resources in order to provide protection for the resources, objects, customs, culture, and values identified above; and

(ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage grouse management area, then the management priorities for such part shall be consistent with the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent with the management priorities of the sage grouse management area;

(e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold, uranium, and copper, as well as areas with wind and solar energy potential, that may exist in these zones is compatible with the management priorities of

Subsection (4)(d)(i) in these zones; and

(f) subject to Subsection (4)(d)(ii), responsible development of any recreation resources, including roads, campgrounds, water resources, trails, OHV use, sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these grazing zones is compatible with the management priorities of Subsection (4)(d)(i) in these grazing zones.

(5) The state finds with respect to the zones described in Subsection (2) that the historic levels of livestock grazing activity and other values identified in Subsection (4) in each zone have greatly diminished, or are under other serious threat, due to:

(a) unreasonable, arbitrary, and unlawfully restrictive federal management policies, including:

(i) de facto managing for wilderness in nonwilderness areas and non-WSAs;

(ii) ignoring the chiefly valuable for grazing designation of the Secretary of the Interior applicable to each of these zones; and

(iii) the arbitrary administrative reductions in animal unit months of permitted forage;

(b) inflexible federal grazing practices that disallow grazing at different times each year proven to be most effective for maintaining and enhancing rangeland conditions;

(c) mismanagement of wild horses and burros resulting in competition for forage by excess and mismanaged populations of wild horses and burros in Beaver and Emery counties;

(d) improper management of vegetation resulting in the overgrowth of pinion, invasive species, and juniper, and other woody vegetation that:

(i) compromise watershed and rangeland health;

(ii) crowd out grazing forage;

(iii) degrade habitat and limit wildlife populations;

(iv) reduce water yield; and

(v) heighten the risk of catastrophic wildfire; and

(e) other practices that degrade overall rangeland health.

(6) To protect and preserve against the threats described in Subsection (5), the state supports the following with respect to the zones described in Subsection (2):

(a) efficient and sustained policies, programs, and practices directed at preserving, restoring, and enhancing watershed and rangeland health to maximize:

(i) all permitted forage production for livestock grazing and other compatible uses, including flexible grazing on and off dates adaptive to yearly climate and range conditions; and

(ii) forage for fish and wildlife;

(b) a cooperative management approach by federal agencies, the state, and local government agencies to achieve broadly supported management plans for the full development of:

(i) forage resources for grazing livestock and wildlife; and

(ii) other uses compatible with livestock grazing and wildlife utilization;

(c) effective and responsible management of wild horses and burros to eliminate excess populations; and

(d) effective and responsible management of wildlife habitat.

(7) The state requests that the federal agencies that administer lands within each grazing zone:

(a) fully cooperate and coordinate with the state and the respective counties within which each grazing zone is situated to develop, amend, and implement land and resource management plans, and implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of grazing permits, range improvements, and applications to enhance and otherwise develop all existing and permitted grazing resources located within each grazing zone, including renewable vegetative resources;

(c) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section and consistent with multiple use and sustained yield principles;

(d) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for each grazing zone as stated in this section;

(e) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary to the goals and purposes described within this section; and

(f) refrain from implementing utilization standards less than 50%, unless:

(i) implementing a standard of less than 50% utilization on a temporary basis is necessary to resolve site-specific concerns; and

(ii) the federal agency consults, coordinates, and cooperates fully with local governments.

(8) (a) The state recognizes the importance of all grazing districts on Utah BLM and Forest Service lands but establishes the grazing zones described in Subsection (2) to provide special protection and preservation against the identified threats found in Subsection (5) to exist in these zones.

(b) It is the intent of the state to designate additional grazing agricultural commodity zones in future years, if circumstances warrant special protection and preservation for new zones.

(9) The state calls upon applicable federal, state, and local agencies to coordinate with each other and establish applicable intergovernmental standing commissions, with membership consisting of representatives from the United States government, the state, and local governments to coordinate and achieve consistency in planning decisions and management actions in zones described in Subsection (2) in order to achieve the goals, purposes, and policies described in this section.

(10) Notwithstanding the provisions of this section, and subject to Subsection (4)(d)(ii), the state's mineral, oil, gas, and energy policies and plans on land within the zones described in Subsection (2) shall be governed by Sections 63J-4-401 and 63J-8-104.

Enacted by Chapter 321, 2014 General Session

63J-8-105.9. Utah Timber Agricultural Commodity Zones established -- Findings -- Management and land use priorities.

(1) There are established and designated Utah Timber Agricultural Commodity Zones for the purpose of:

(a) preserving and protecting the agricultural timber, logging, and forest products industry within these zones from ongoing threats;

(b) preserving and protecting the significant history, culture, customs, and economic value of the agricultural timber, logging, and forest products industry within these zones from ongoing threats; and

(c) maximizing efficient and responsible restoration, reclamation, preservation, enhancement, and development of timber, logging, and forest products and affected natural, historical, and cultural activities within these zones, in order to protect and preserve these zones from ongoing threats.

(2) The titles, land area, and boundaries of these zones are described as follows:

(a) "Tushar Mountain Region Timber Zone," the land area of which consists of certain Forest Service lands in the following townships in Beaver County, as more fully illustrated in the map jointly prepared by the Beaver and Piute counties GIS departments in February 2014, entitled "Tushar Mountain Region Timber Zone":

(i) in Beaver County, Township 28S Range 4W, Township 29S Range 4W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 6W, Township 27S Range 6W, Township 28S Range 6W, Township 29S Range 6W, Township 30S Range 6W; and

(ii) in Piute County, Township 26S Range 6W, Township 27S Range 6W, Township 26S Range 5W, Township 27S Range 5W, Township 28S Range 5W, Township 29S Range 5W, Township 30S Range 5W, Township 26S Range 4.5W, Township 26S Range 4W, Township 28S Range 4W, Township 29S Range 4W, Township 30S Range 4W;

(b) "Panguitch Lake Region Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Iron, Kane, and Garfield counties, as more fully illustrated in the map jointly prepared by the Iron, Kane, and Garfield counties GIS departments in February 2014, entitled "Panguitch Lake Region Timber Zone":

(i) in Iron County, Township 34S Range 7W, Township 35S Range 8W, Township 36S Range 8W, Township 36S Range 9W (excluding Cedar Breaks National Monument and Ashdown Wilderness Area), Township 37S Range 8W, and Township 37S Range 9W;

(ii) in Kane County, Township 38S Range 9W, Township 38S Range 8W, Township 38S Range 7W, Township 38S Range 6W, Township 39S Range 8W, Township 39S Range 7W, Township 39S Range 6W; and

(iii) in Garfield County, Township 35S Range 7W, Township 35S Range 6W, Township 36S Range 7W, Township 36S Range 6W, Township 37S Range 7W, and Township 37S Range 6W;

(c) "Monroe Mountain Region Timber Zone," consisting of certain Forest Service lands in the following townships in Piute County, as more fully illustrated in the

map prepared by the Piute County GIS department in February 2014, entitled "Monroe Mountain Region Timber Zone": Township 26S Range 3W, Township 27S Range 2.5W, Township 28S Range 2.5W, Township 29S Range 2.5W, Township 26S Range 2W, Township 27S Range 2W, Township 28S Range 2W, Township 29S Range 2W, Township 26S Range 1W, and Township 7S Range 1W;

(d) "Boulder Mountain Region Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Wayne and Garfield counties, as more fully illustrated in the map jointly prepared by the Wayne and Garfield counties GIS departments in February 2014, entitled "Boulder Mountain Region Timber Zone":

(i) in Wayne County, Township 30S Range 3E, Township 30S Range 4E, and Township 30S Range 5E; and

(ii) in Garfield County, Township 31S Range 1E, Township 31S Range 2E, Township 31S Range 3E, Township 32S Range 2E, Township 32S Range 3E, Township 32S Range 4E, Township 33S Range 3E, Township 33S Range 4E, Township 30 1/2S Range 5E, Township 31S Range 5E, Township 31S Range 6E, Township 32S Range 5E, and Township 32S Range 6E;

(e) "Thousand Lake Region Timber Zone," consisting of certain Forest Service lands in the following townships in Wayne County, as more fully illustrated in the map jointly prepared by the Wayne County GIS department in February 2014, entitled "Thousand Lake Region Timber Zone": Township 26S Range 4E, Township 27S Range 4E, and Township 28S Range 4E;

(f) "Millers Flat Region Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Sanpete County, as more fully illustrated in the map jointly prepared by the Sanpete County GIS department in February 2014, entitled "Millers Flat Region Timber Zone": Township 16S Range 5E, Township 17S Range 5E, Township 17S Range 4E, and Township 17S Range 6E;

(g) "East Fork Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Garfield and Kane counties, as more fully illustrated in the map jointly prepared by the Garfield and Kane counties GIS departments in February 2014, entitled "East Fork Region Timber Zone":

(i) in Garfield County, Township 36S Range 4 1/2W, Township 36S Range 4W, Township 37S Range 5W, Township 37S Range 4 1/2W, and Township 37S Range 4W; and

(ii) in Kane County, Township 38S Range 5W, Township 38S Range 4.5W, Township 39S Range 5W, and Township 39S Range 4.5W;

(h) "Upper Valley Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Garfield County, as more fully illustrated in the map jointly prepared by the Garfield County GIS department in February 2014, entitled "Upper Valley Region Timber Zone": Township 34S Range 1W, Township 35S Range 1W, Township 35S Range 1E, Township 36S Range 1W, Township 36S Range 1E, and Township 37S Range 1E;

(i) "Iron Springs Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Garfield County, as more fully illustrated in the map jointly prepared by the Garfield County GIS department in

February 2014, entitled "Iron Springs Region Timber Zone": Township 32S Range 1E, Township 33S Range 1W, Township 33S Range 1E, and Township 34S Range 1W; and

(j) "Dutton Timber Zone," the land area of which consists of certain Forest Service lands situated in the following townships in Garfield County, as more fully illustrated in the map jointly prepared by the Garfield County GIS department in February 2014, entitled "Dutton Region Timber Zone": Township 32S Range 3W, Township 32S Range 2W, Township 33S Range 3W, and Township 33S Range 2W.

(3) Printed copies of the maps referenced in Subsection (2) shall be available for inspection by the public at the offices of the Utah Association of Counties.

(4) The state finds with respect to the zones described in Subsection (2) that:

(a) agricultural timber, logging, and forest product industries on the lands comprising these timber zones have provided a significant contribution to the history, customs, culture, economy, welfare, and other values of each area for many decades;

(b) abundant natural and vegetative resources exist within these zones to support and expand continued, responsible timber, logging, and other forest product activities;

(c) agricultural timber, logging, and forest product activities in these zones, and the associated historic resources, human history, shaping of human endeavors, variety of cultural resources, landmarks, structures, and other objects of historic or scientific interest are worthy of recognition, preservation, and protection;

(d) (i) the highest management priority for lands within these zones is maintenance and promotion of forest and vegetation ecosystem health achieved by responsible active management in development of historic, existing, and future timber, logging, and forest product resources in order to provide protection for the resources, objects, customs, culture, and values identified above; and

(ii) notwithstanding Subsection (4)(d)(i), if part or all of any zone lies within a sage grouse management area, then the management priorities for such part shall be consistent with the management priorities set forth in Subsection (4)(d)(i) to the maximum extent consistent with the management priorities of the sage grouse management area;

(e) subject to Subsection (4)(d)(ii), responsible development of any deposits of energy and mineral resources, including oil, natural gas, oil shale, oil sands, coal, phosphate, gold, uranium, and copper, as well as areas with wind and solar energy potential, that may exist in these zones is compatible with the management priorities of Subsection (4)(d)(i) in these zones; and

(f) subject to Subsection (4)(d)(ii), responsible development of any recreation resources, including wildlife, roads, campgrounds, water resources, trails, OHV use, sightseeing, canyoneering, hunting, fishing, trapping, and hiking resources that may exist in these timber zones is compatible with the management priorities of Subsection (4)(d)(i) in these timber zones.

(5) The state finds that the historic levels of timber, logging, and forest products activities in the zones described in Subsection (2) have greatly diminished, or are under serious threat, due to:

(a) unreasonable, arbitrary, and unlawfully restrictive federal management

policies, including:

- (i) de facto managing for wilderness in nonwilderness areas;
- (ii) ignoring the multiple use sustained yield mission of the Forest Service;
- (iii) ignoring the fact that the Forest Service's parent agency is the United States

Department of Agriculture whose mission includes providing timber as an important agriculture resource; and

(iv) the arbitrary administrative reductions in timber, logging, and forest products activities;

(b) improper management of forest vegetation resulting in the overcrowding of old growth alpine species and the crowding out of aspen diversity, all of which results in:

- (i) devastation of entire mountainsides due to insect infestation and disease;
- (ii) reduced water yield;
- (iii) increased catastrophic wildfire;
- (iv) increased soil erosion;
- (v) degradation of wildlife habitat; and
- (vi) suppression and threatened extinction of important rural economic activities;

and

(c) other practices that degrade overall forest health.

(6) To protect and preserve against the threats described in Subsection (5), the state supports the following with respect to the zones described in Subsection (2):

(a) efficient and responsible development, within each timber zone, of:

- (i) robust timber thinning and harvesting programs and activities; and
- (ii) other uses compatible with increased timber, logging, and forest product activities, including a return to historic levels of timber, logging, and forest product activity in each of these zones;

(b) a cooperative management approach by federal agencies, the state, and local governments to achieve broadly supported management plans for the full development, within each timber zone, of:

- (i) forest product resources; and
- (ii) other uses compatible with timber activities; and
- (c) effective and responsible management of wildlife habitat.

(7) The state requests that the federal agencies that administer lands within each timber zone:

(a) fully cooperate and coordinate with the state and the respective counties within which each timber zone is situated to develop, amend, and implement land and resource management plans and implement management decisions that are consistent with the purposes, goals, and policies described in this section to the maximum extent allowed under federal law;

(b) expedite the processing, granting, and streamlining of logging and forest product harvesting permits, range improvements, and applications to enhance and otherwise develop existing and permitted timber resources located within each timber zone, including renewable vegetative resources;

(c) expedite stewardship programs to allow private enterprise to carry out the timber, logging, and forest activities described in this section;

(d) allow continued maintenance and increased development of roads, power lines, pipeline infrastructure, and other utilities necessary to achieve the goals, purposes, and policies described in this section and consistent with multiple use and sustained yield principles;

(e) refrain from any planning decisions and management actions that will undermine, restrict, or diminish the goals, purposes, and policies for each timber zone as stated in this section; and

(f) subject to Subsection (4)(d)(ii), refrain from implementing a policy that is contrary to the goals and purposes described within this section.

(8) (a) The state recognizes the importance of all areas on BLM and Forest Service lands high value lumber and forest product resources but establishes the special Timber Agricultural Commodity Zones to provide special protection and preservation against the identified threats found in Subsection (5) to exist in these zones.

(b) It is the intent of the Legislature to designate additional Timber Agricultural Commodity Zones in future years, if circumstances warrant special protection and preservation for new zones.

(9) The state calls upon applicable federal, state, and local agencies to coordinate with each other and establish applicable intergovernmental standing commissions, with membership consisting of representatives from the United States government, the state, and local governments to coordinate and achieve consistency in planning decisions and management actions in the zones described in Subsection (2).

(10) Notwithstanding the provisions of this section, and subject to Subsection (4)(d)(ii), the state's mineral, oil, gas, and energy policies, as well as its grazing policies, on land within zones described in Subsection (2), shall continue to be governed by Sections 63J-4-401 and 63J-8-104.

Enacted by Chapter 321, 2014 General Session

63J-8-106. County supported federal land use designation proposed in proposed congressional land use legislation -- Process for legislative review of proposed federal legislation land use within a county.

(1) (a) Notwithstanding any other provision of this chapter, the Legislature may, in accordance with this section, recommend to the Utah congressional delegation proposed congressional land use legislation that is supported by a county.

(b) A county that fails to comply with the requirements of this section may not communicate or otherwise represent in any way that a federal land use designation contained in proposed congressional land use legislation has the support or approval of the Legislature.

(2) If a county supports a federal land use designation contained in proposed congressional land use legislation, the county shall:

(a) prepare a report on the proposed congressional land use legislation in accordance with Subsection (3);

(b) draft a concurrent resolution for a legislative committee's consideration, in accordance with Subsection (7)(a), in support of the proposed congressional land use

legislation; and

(c) subject to Subsection (4)(a), deliver the report and draft concurrent resolution to the office.

(3) The report required in Subsection (2)(a) shall include:

(a) a copy of the proposed congressional land use legislation;

(b) a detailed description of the land or watercourse proposed for a federal land use designation, including:

(i) the total acres of federal land proposed for a federal land use designation;

(ii) (A) a map showing the location of the land or watercourse; and

(B) the proposed type of federal land use designation for each location;

(iii) a proposed land conveyance or land proposed for auction by the BLM, if any; and

(iv) (A) school and institutional trust land, as defined in Section 53C-1-103, proposed for a land exchange, if any; and

(B) whether the county has coordinated with SITLA on the proposed land exchange;

(c) an explanation of whether a federal land use designation will assist in resolving long-standing public lands issues, such as wilderness disputes, economic development, recreational use, and access to public lands;

(d) a narrative description of the economic, recreational, and cultural impacts, taken as a whole, on a county and the state that would occur if Congress adopted the proposed congressional land use legislation, including an impact on state revenues;

(e) an account of actions, if any, proposed in a federal land use designation to minimize impacts on:

(i) resource extraction activities occurring on the land or in the watercourse proposed for a federal land use designation, including mining and energy development; and

(ii) motorized recreational use and public access;

(f) a summary of potential benefits gained by the county and state if Congress adopts the proposed congressional land use legislation;

(g) a description of the stakeholders and their positions on a federal land use designation;

(h) whether land identified for a federal land use designation is BLM recommended wilderness;

(i) an explanation of what the proposed congressional land use legislation proposes for federal land located in the county other than land identified for the federal land use designation;

(j) (i) a description of the impact that, if adopted by Congress, the proposed congressional land use legislation would have on access to roads currently identified as part of an adopted county transportation plan as described in Section 63J-4-401; and

(ii) if a federal land use designation proposes to close a road described in Subsection (3)(j)(i), an explanation for the road closure and a copy of the minutes of any county public hearing in which the proposed road closures were discussed and public comment was taken;

(k) (i) a description of a proposed resolution for an R.S. 2477 right-of-way, if any, located within the area identified in a federal land use designation; and

(ii) whether a proposed resolution described in Subsection (3)(k)(i) would include a quiet title action concerning an R.S. 2477 right-of-way;

(l) an explanation of whether a federal land use designation proposes a hard release of all public lands and watercourses not included in the federal land use designation, placing the land and watercourses in multiple use management;

(m) an explanation of whether a federal land use designation proposes a prohibition on further federal action under the Antiquities Act of 1906, 16 U.S.C. Sec. 431 et seq.;

(n) a narrative description of a federal land use designation's interaction with, if any, a regional haze rule adopted by the United States Environmental Protection Agency;

(o) an explanation of whether a federal land use designation would authorize best management practices as part of an active effort to control on the land or watercourse proposed for a federal land use designation:

(i) wildfire;

(ii) invasive species, including insects; and

(iii) disease;

(p) if applicable, a statement as to whether a federal land use designation would allow for the continuation of existing grazing permits;

(q) a statement as to the presence or need of passive water management facilities or activities for livestock or wildlife, such as guzzlers or fencing, for the management of wildlife or livestock;

(r) if a federal land use designation identifies land that has oil, gas, or mineral deposits, an explanation as to why the federal land use designation includes the land;

(s) (i) a statement as to whether a federal land use designation:

(A) affects land or a watercourse located exclusively within the county; or

(B) affects, whether by an actual federal land use designation or by implication if a federal land use designation is adopted, land or a watercourse located in another county; and

(ii) if the land use proposal would affect land or a watercourse located in another county, whether that county supports the proposed congressional land use legislation;

(t) an explanation of whether a proposed land use designation designates land as wilderness in the National Wilderness Preservation System or designates land as a national conservation area that is not part of:

(i) BLM recommended wilderness; or

(ii) Forest Service land recommended for wilderness designation in RARE II; and

(u) a statement explaining whether and to what extent members of Utah's congressional delegation and their staff were consulted in preparing the proposed congressional land use legislation and the federal land use designation contained therein.

(4) (a) No later than 60 days before delivering a report and draft concurrent

resolution in accordance with Subsection (2), a county shall contact and inform the office of the county's intention to prepare and deliver the report and draft concurrent resolution.

(b) The office may give general guidance to a county described in Subsection (4)(a), as requested, as to compliance with this section.

(5) The office shall prepare an evaluation of the county's report, including whether the county has addressed each matter described in Subsection (3).

(6) The office shall deliver the evaluation described in Subsection (5), including a copy of the county's report, the proposed congressional land use legislation, and the draft concurrent resolution, no later than 30 days after receiving the county's report:

(a) if the Legislature is not in session, and subject to Subsection (6)(b), to the chair of the Natural Resources, Agriculture, and Environment Interim Committee; or

(b) if the Legislature is in session or there are no scheduled meetings of the Natural Resources, Agriculture, and Environment Interim Committee before the beginning of the next legislative session, to the chair of either the House Natural Resources, Agriculture, and Environment Committee or the Senate Natural Resources, Agriculture, and Environment Committee.

(7) (a) At a committee's next scheduled meeting after receiving a report, the draft concurrent resolution, and a copy of the proposed congressional land use legislation, the committee shall:

(i) review:

(A) the county's report;

(B) the draft concurrent resolution, if the concurrent resolution has a legislative sponsor; and

(C) the office's evaluation;

(ii) if the draft concurrent resolution is presented to the committee, consider whether to approve or reject the draft concurrent resolution;

(iii) if the draft concurrent resolution is rejected, provide direction to the county as to the reasons the resolution was rejected and the actions that the county might take to secure committee approval of the resolution; and

(iv) take any additional action the committee finds necessary.

(b) A legislative committee may not accept for review a county-supported federal land use designation contained in proposed congressional land use legislation that does not meet the requirements of this section.

(8) (a) If the committee rejects the draft concurrent resolution, a county may resubmit a revised report and draft concurrent resolution to the office in accordance with the terms of this section.

(b) Upon receipt of a revised report and draft concurrent resolution, the office shall comply with the procedures set forth in this section.

(c) Upon receipt of a revised report, evaluation, and draft concurrent resolution by the office, a committee described in Subsection (6) shall comply with the procedures set forth in this section.

(9) The governor may call a special session to consider the concurrent resolution presented to and approved by a committee described in Subsection (7)(a).

(10) If a concurrent resolution described in this section is adopted by the

Legislature and signed by the governor, the Office of the Governor shall forward a copy of the concurrent resolution, the county's report, and the proposed congressional land use legislation to Utah's congressional delegation.

Repealed and Re-enacted by Chapter 165, 2012 General Session

63J-8-107. Authority of the governor.

Nothing in this chapter may be construed to alter, affect, or diminish the authority of the governor.

Enacted by Chapter 165, 2012 General Session

63J-9-101. Title.

This chapter is known as the "Nonprofit Entity Receipt of State Money Act."

Enacted by Chapter 341, 2014 General Session

63J-9-102. Definitions.

As used in this chapter:

(1) "Bylaws" means the one or more codes of rules, other than the articles of incorporation, adopted for the regulation or management of the affairs of a nonprofit entity irrespective of the one or more names by which the codes of rules are designated.

(2) (a) "Grant" means the furnishing by a state entity of state money to a nonprofit entity.

(b) "Grant" does not include a contract between a state entity and a nonprofit entity to purchase goods or services from the nonprofit entity that was subject to the state procurement process provided in Title 63G, Chapter 6a, Utah Procurement Code.

(3) "Nonprofit entity" means an entity that:

(a) is operated primarily for a scientific purpose, educational purpose, religious purpose, charitable purpose, or similar purpose in the public interest;

(b) is not organized primarily for profit; and

(c) no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in the entity.

(4) "State entity" means a department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(5) (a) "State money" means money that is owned, held, or administered by a state entity and derived from state fee or tax revenues.

(b) "State money" does not include contributions or donations received by a state entity.

Enacted by Chapter 341, 2014 General Session

63J-9-201. Conditions for providing state grant money to a nonprofit

entity.

A state entity may not provide a nonprofit entity state money through a grant, including a pass-through funding grant, unless:

- (1) the state entity enters into a written agreement with the nonprofit entity;
- (2) the written agreement described in Subsection (1) requires the nonprofit entity to provide the state entity an itemized report at least annually detailing the expenditure of the state money; and
- (3) at the time of receipt of the state money the nonprofit entity has:
 - (a) bylaws that provide for:
 - (i) the financial oversight of the state money; and
 - (ii) compliance with state laws related to the state money;
 - (b) procedures for the governing board of the nonprofit entity to designate an administrator who manages the state money; and
 - (c) procedures for the governing board to dismiss the administrator described by Subsection (3)(b).

Enacted by Chapter 341, 2014 General Session

63J-9-202. Nonprofit entity's return of state money.

The state entity that provides a nonprofit entity state money in accordance with Section 63J-9-201 may require the nonprofit entity to return to the state entity an amount of money that is equal to the state money that is expended in violation of Section 63J-9-201 if the nonprofit entity fails to comply with the written agreement, bylaws, and procedures required by Section 63J-9-201 during the time period that the nonprofit entity holds or expends the state money.

Enacted by Chapter 341, 2014 General Session